

**THE CONTESTED SEAT  
OF  
GALLATIN**

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ANNALS

or

THE CONGRESS OF THE UNITED STATES.

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THIRD CONGRESS.



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**A Century of Lawmaking for a New Nation  
U.S. Congressional Documents and Debates 1774 - 1875  
Annals of Congress  
Senate  
3rd Congress, 1st Session**

THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

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THIRD CONGRESS:

COMPRISING THE PERIOD FROM DECEMBER 2, 1793, TO MARCH 3, 1795,  
INCLUSIVE.

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COMPILED FROM AUTHENTIC MATERIALS.

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# PROCEEDINGS

OF

## THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE THIRD CONGRESS, BEGUN AT THE CITY OF  
PHILADELPHIA, DECEMBER 2, 1793.

### NOTE TO THE READER.

To account for the absence of any Report of *Debates* in the Senate in the Third Congress, it is proper here to repeat that the Senate sat with closed doors during its Legislative as well as its Executive sittings, from the beginning of the first Congress up to the 20th day of February, 1794, when a proposition succeeded, which had frequently before failed, in that body, that the Legislative sittings of the Senate should thenceforth, after the end of that session of Congress, be conducted with open doors and galleries.

MONDAY, December 2, 1793.

This being the day fixed by the Constitution for the annual meeting of Congress, the following members of the Senate appeared, produced their credentials, and took their seats:

JOHN ADAMS, Vice President of the United States and President of the Senate;

JOHN LANGDON and SAMUEL LIVERMORE, from New Hampshire;

GEORGE CABOT, from Massachusetts;

OLIVER ELLSWORTH, from Connecticut;

MOSES ROBINSON, from Vermont;

AARON BURR, from New York;

JOHN RUTHERFURD, from New Jersey;

ROBERT MORRIS and ALBERT GALLATIN, from Pennsylvania;

JAMES MONROE, from Virginia;

JOHN EDWARDS, from Kentucky;

BENJAMIN HAWKINS, from North Carolina;

RALPH IZARD, from South Carolina.

Mr. LANGDON, the President of the Senate *pro tempore*, administered the oath required by law to the VICE PRESIDENT OF THE UNITED STATES.

The Secretary read the credentials of the following Senators appointed for the terms respectively mentioned therein:

PIERCE BUTLER, from South Carolina;

ALEXANDER MARTIN, from North Carolina;

JOHN WILSON, from Delaware.

The VICE PRESIDENT administered the oath required by law to Mr. BUTLER, Mr. GALLATIN, and Mr. MARTIN, respectively, and they took their seats.

STEPHEN MIX MITCHELL, appointed by the State of Connecticut a Senator for two years, in the place of ROGER SHERMAN, deceased, produced his credentials, which being read, the VICE PRESIDENT administered to him the oath required by law, and he took his seat.

The VICE PRESIDENT laid before the Senate the petition of Conrad Laub and others, relative to the appointment of Mr. GALLATIN, a Senator of the

United States; which was read, and ordered to lie on the table.

The VICE PRESIDENT also communicated a letter from GEORGE REED, of Delaware, resigning his seat in the Senate; which was read, and ordered to lie on the table.

*Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

*Ordered*, That Messrs. IZARD and LANGDON be a joint committee on the part of the Senate, together with such committee as the House of Representatives may appoint, on their part, to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

A message from the House of Representatives informed the Senate that the House had elected FREDERICK A. MUHLENBERG their Speaker, and that they have concurred with the Senate in appointing a joint committee to wait on the PRESIDENT OF THE UNITED STATES.

Mr. IZARD, from the joint committee who had waited on the PRESIDENT, reported that the PRESIDENT would meet the two Houses to-morrow, at 12 o'clock, in the Senate Chamber.

TUESDAY, December 3.

The two Houses being assembled in the Senate Chamber, the PRESIDENT OF THE UNITED STATES entered, and addressed the two Houses of Congress as follows:

*Fellow-citizens of the Senate, and*

*of the House of Representatives:*

Since the commencement of the term for which I have been again called into office, no fit occasion has arisen for expressing to my fellow-citizens at large the deep and respectful sense which I feel of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances

of affectionate partiality with which I have been honored by my country, on the other, it could not prevent an earnest wish for that retirement from which no private consideration should ever have torn me. But, influenced by the belief that my conduct would be estimated according to its real motives, and that the people, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage which commanded me to resume the Executive power, and I humbly implore that Being on whose will the fate of nations depends, to crown with success our mutual endeavors for the general happiness.

As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties, and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions, the Proclamation which will be laid before you was issued.

In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaties and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States.

It rests with the wisdom of Congress to correct, improve, or enforce this plan of procedure; and it will probably be found expedient to extend the legal code and the jurisdiction of the Courts of the United States to many cases which, though dependent on principles already recognized, demand some further provisions.

Where individuals shall, within the United States, array themselves in hostility against any of the Powers at war, or enter upon military expeditions or enterprises within the jurisdiction of the United States; or usurp and exercise Judicial authority within the United States; or where the penalties on violations of the law of nations may have been indistinctly marked, or are inadequate—these offences cannot receive too early and close an attention, and require prompt and decisive remedies.

Whatsoever those remedies may be, they will be well administered by the Judiciary, who possess a long established course of investigation, effectual process, and officers in the habit of executing it.

In like manner, as several of the Courts have doubted, under particular circumstances, their power to liberate the vessels of a nation at peace, and even of a citizen of the United States, although seized under a false color of being hostile property, and have denied their power to liberate certain captures within the protection of our territory, it would seem proper to regulate their jurisdiction in these points; but, if the Executive is to be the resort in either of the two last-mentioned cases, it is hoped that he will be authorized by law to have facts ascertained by the Courts, when, for his own information, he shall request it.

I cannot recommend to your notice measures for the fulfilment of our duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of complete defence, and of exacting from them the fulfilment of their duties towards us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war. The documents which will be presented to you will show the amount and kinds of arms and military stores now in our magazines and arsenals; and yet an addition even to these supplies cannot with prudence be neglected, as it would leave nothing to the uncertainty of procuring of warlike apparatus in the moment of public danger.

Nor can such arrangements, with such objects, be exposed to the censure or jealousy of the warmest friends of Republican Government. They are incapable of abuse in the hands of the Militia, who ought to possess a pride in being the depository of the force of the Republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which cannot be too solemnly pursued, whether the act "more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States," has organized them so as to produce their full effect; whether your own experience in the several States has not detected some imperfections in the scheme; and whether a material feature, in an improvement of it, ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone?

The connexion of the United States with Europe has become extremely interesting. The occurrences which relate to it and have passed under the knowledge of the Executive, will be exhibited to Congress in a subsequent communication.

When we contemplate the war on our frontiers, it may be truly affirmed that every reasonable effort has been made to adjust the causes of dissension with the Indians north of the Ohio. The instructions given to the Commissioners evince a moderation and equity proceeding from a sincere love of peace and a liberality having no restriction but the essential interest and dignity of the United States. The attempt, however, of an amicable negotiation having been frustrated, the troops have marched to act offensively. Although the proposed treaty did not arrest the progress of military preparation, it is doubtful how far the advance of the season, before good faith justified active movements, may retard them, during the remainder of the year. From the papers and intelligence which relate to this important subject, you will determine whether the deficiency in the number of troops granted by law shall be compensated by succors of Militia, or additional encouragements shall be proposed to recruits.

An anxiety has been also demonstrated by the Executive for peace with the Creeks and the Cherokees. The former have been relieved with corn and with clothing, and offensive measures against them prohibited during the recess of Congress. To satisfy the complaints

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of the latter, prosecutions have been instituted for the violences committed upon them. But the papers which will be delivered to you, disclose the critical footing on which we stand in regard to both those tribes, and it is with Congress to pronounce what shall be done.

After they shall have provided for the present emergency, it will merit their most serious labors to render tranquility with the savages permanent, by creating ties of interest. Next to a rigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations, in behalf of the United States, is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies, with a ready market for the commodities of the Indians, and a stated price for what they give in payment and receive in exchange. Individuals will not pursue such a traffic, unless they be allured by the hope of profit; but it will be enough for the United States to be reimbursed only. Should this recommendation accord with the opinion of Congress, they will recollect that it cannot be accomplished by any means yet in the hands of the Executive.

*Gentlemen of the House of Representatives :*

The Commissioners charged with the settlement of accounts between the United States and individual States concluded their important functions within the time limited by law, and the balances struck in their Report (which will be laid before Congress) have been placed on the books of the Treasury.

On the first day of June last, an instalment of one million of florins became payable on the Loans of the United States in Holland. This was adjusted by a prolongation of the period of reimbursement, in nature of a new Loan, at an interest of five per cent., for the term of ten years, and the expenses of this operation were a commission of three per cent.

The first instalment of the Loan of two millions of dollars from the Bank of the United States has been paid, as was directed by law. For the second it is necessary that provision should be made.

No pecuniary consideration is more urgent than the regular redemption and discharge of the Public Debt; on none can delay be more injurious, or an economy of time more valuable.

The productiveness of the public revenues hitherto has continued to equal the anticipations which were formed of it, but it is not expected to prove commensurate with all the objects which have been suggested. Some auxiliary provisions will, therefore, it is presumed, be requisite; and it is hoped that these may be made consistently with a due regard to the convenience of our citizens, who cannot but be sensible of the true wisdom of encountering a small present addition to their contributions, to obviate a future accumulation of burdens.

But here I cannot forbear to recommend a repeal of the tax on the transportation of public prints. There is no resource so firm for the Government of the United States as the affections of the people guided by an enlightened policy; and to this primary good nothing can conduce more than a faithful representation of public proceedings, diffused without restraint, throughout the United States.

An estimate of the appropriations necessary for the current service of the ensuing year, and a statement of a purchase of arms and military stores, made during the recess, will be presented to Congress.

*Gentlemen of the Senate, and  
of the House of Representatives :*

The several subjects to which I have now referred open a wide range to your deliberations, and involve some of the choicest interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the Government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But as the Legislative proceedings of the United States, will never, I trust, be reproached for the want of temper or of candor, so shall not the public happiness languish from the want of my strenuous and warmest co operation.

G. WASHINGTON.

PHILADELPHIA, December 3, 1793.

The PRESIDENT having retired, the two Houses separated.

A message from the House of Representatives informed the Senate that they have resolved that two Chaplains of different denominations, be appointed for the present session, one by each House, who shall interchange weekly; to which they desire the concurrence of the Senate.

The Senate concurred with the above proposition, and appointed the Right Reverend Bishop WHITE to be Chaplain on the part of the Senate.

A Message was received from the PRESIDENT OF THE UNITED STATES, communicating his Proclamation of the 22d of April, 1793, together with the Rules established by the PRESIDENT for the government of the Executive Officers, in cases of vessels equipping in the ports of the United States.

The Proclamation and Rules were read, and ordered to lie on the table.

On motion, a committee of five was appointed to report the draft of an Address to the PRESIDENT, in answer to his Speech to both Houses.

MESSRS. ELLSWORTH, BUTLER, IZARD, LANGDON, and RUTHERFORD, were named.

WEDNESDAY, December 4.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, with sundry papers therein referred to; which Letter and papers were, in part, read, and the Senate then adjourned.

THURSDAY, December 5.

FREDERICK FRELINGHUYSEN, from New Jersey, appeared, produced his credentials, and the usual oath being administered to him, took his seat.

The reading of the papers yesterday received from the Secretary of War was resumed; and, after progress, postponed.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*Gentlemen of the Senate and  
of the House of Representatives :*

As the present situation of the several nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things between them and us matter of interesting inquiry to the Legislature, and may indeed give

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rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The Representative and Executive bodies of France have manifested generally a friendly attachment to this country, have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground. A decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemy goods lawful prize in the vessel of a friend, contrary to our Treaty, though revoked at one time as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on this subject will be immediately given in charge to our Minister there, and the result shall be communicated to the Legislature.

It is with extreme concern I have to inform you that the proceedings of the person whom they have unfortunately appointed their Minister Plenipotentiary here have breathed nothing of the friendly spirit of the nation which sent him; their tendency, on the contrary, has been to involve us in war abroad and discord and anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with, from sentiments of regard to his nation, from a sense of their friendship towards us, from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions, and, I will add, from a reliance on the firmness of my fellow-citizens in their principles of peace and order. In the mean time, I have respected and pursued the stipulations of our treaties, according to what I judged their true sense, and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone further: rather than employ force for the restitution of certain vessels, which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties by avowing it to be my opinion that, if restitution were not made, it would be incumbent on the United States to make compensation. The papers now communicated will more particularly apprise you of these transactions.

The vexations and spoliation understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent Powers, appeared to require attention. The proofs of these, however, not having been brought forward, the descriptions of citizens supposed to have suffered were notified that, on furnishing them to the Executive, due measures would be taken to obtain redress of the past and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British Government having undertaken, by orders to the commanders of their armed vessels, to restrain generally our commerce in corn and other provisions to their own ports, and those of their friends, the instructions now communicated were immediately forwarded to our Minister at that Court. In the mean time some discussions on the subject took place between him and them. These are also laid before you, and I may expect to learn the result of his special in-

structions in time to make it known to the Legislature during their present session.

Very early after the arrival of a British Minister here mutual explanations on the inexecution of the Treaty of Peace were entered into with that Minister. These are now laid before you for your information.

On the subjects of mutual interest between this country and Spain, negotiations and conferences are now depending. The public good requiring that the present state of these should be made known to the Legislature *in confidence only*, they shall be the subject of a separate and subsequent communication.

G. WASHINGTON.

UNITED STATES, December 5, 1793.

The Message and papers therein referred to were, in part, read, and the further reading postponed.

The following Report of the Commissioners appointed to execute the several acts of Congress to provide more effectually for the settlement of the Accounts between the United States and the individual States was also received from the PRESIDENT OF THE UNITED STATES:

The Commissioners appointed to execute the several acts of Congress to provide more effectually for the settlement of the Accounts between the United States and the individual States, report:

That they have maturely considered the claims of the several States against the United States, and the charges of the United States against the individual States.

That they have gone through the process prescribed in the fifth section of the act of Congress passed the 5th day of August, 1790, (the particulars whereof will be found in book A, lodged with the papers of this office, in the Treasury Department,) and find that there is due, including interest, to the 31st day of December, 1789, to the State of—

New Hampshire, seventy-five thousand and fifty-five dollars;

Massachusetts, one million two hundred and forty-eight thousand eight hundred and one dollars;

Rhode Island, two hundred and ninety-nine thousand six hundred and eleven dollars;

Connecticut, six hundred and nineteen thousand one hundred and twenty-one dollars;

New Jersey, forty-nine thousand and thirty dollars;

South Carolina, one million two hundred and five thousand nine hundred and seventy-eight dollars;

Georgia, nineteen thousand nine hundred and eighty-eight dollars.

And that there is due, including interest, to the 31st day of December, 1789, from the State of—

New York, two million and seventy-four thousand eight hundred and forty-six dollars;

Pennsylvania, seventy six thousand seven hundred and nine dollars;

Delaware, six hundred and twelve thousand four hundred and twenty-eight dollars;

Maryland, one hundred and fifty-one thousand six hundred and forty dollars;

Virginia, one hundred thousand eight hundred and seventy-nine dollars;

North Carolina, five hundred and one thousand and eighty-two dollars.

Which several sums they, by virtue of the authority

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to them delegated, declare to be the final and conclusive balances due to and from the several States.

WILLIAM IRVINE,  
JOHN KEAN,  
WOODBURY LANGDON.

OFFICE OF THE COMMISSIONERS OF ACCOUNTS,  
Philadelphia, June 29, 1793.

FRIDAY, December 6.

A message from the House of Representatives informed the Senate that they had elected the Rev. ASHBEL GREEN as Chaplain to Congress, on their part.

Mr. ELLSWORTH, from the committee appointed to report the draft of an address to the PRESIDENT OF THE UNITED STATES, made a report; which was read, and ordered for consideration on Monday next.

The Senate resumed the reading of the communications referred to in the Message of the PRESIDENT of the 5th instant; and, after progress, adjourned to Monday.

MONDAY, December 9.

MESSRS. STEPHEN R. BRADLEY, from Vermont, THEODORE FOSTER, from Rhode Island, and RUFUS KING, from New York, appeared and took their seats.

The VICE PRESIDENT laid before the Senate a Letter of the 7th instant, from Samuel Meredith, Treasurer of the United States, with his quarterly accounts, made up to the 31st of March last, together with his accounts respecting the Department of War, made up to the 30th of June last.

The Letter was read.

*Ordered*, That the Letter and papers therein referred to lie on the table.

Agreeably to the order of the day, the Senate took into consideration the draft of an Address reported by the committee in answer to the Speech of the PRESIDENT OF THE UNITED STATES to Congress at the opening of the session; which, being amended, and the several paragraphs of the report agreed to, it was adopted, as follows:

*"To the President of the United States:*

"Accept, sir, the thanks of the Senate for your Speech delivered to both Houses of Congress at the opening of the session. Your re-election to the Chief Magistracy of the United States gives us sincere pleasure. We consider it as an event every way propitious to the happiness of our country; and your compliance with the call, as a fresh instance of the patriotism which has so repeatedly led you to sacrifice private inclination to the public good. In the unanimity which a second time marks this important national act, we trace, with particular satisfaction, besides the distinguished tribute paid to the virtues and abilities which it recognises, another proof of that just discernment and constancy of sentiments and views which have hitherto characterized the citizens of the United States.

"As the European Powers with whom the United States have the most extensive relations were involved in war, in which we had taken no part, it seemed necessary that the disposition of the nation for peace should be promulgated to the world, as well for the purpose of admonishing our citizens of the consequences

of a contraband trade and of acts hostile to any of the belligerent parties, as to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities of our situation; we therefore, contemplate with pleasure the proclamation by you issued, and give it our hearty approbation. We deem it a measure well-timed and wise, manifesting a watchful solicitude for the welfare of the nation, and calculated to promote it.

"The several important matters presented to our consideration will, in the course of the session, engage all the attention to which they are respectively entitled; and, as the public happiness will be the sole guide of our deliberations, we are perfectly assured of receiving your strenuous and most zealous co-operation.

"JOHN ADAMS.

*"Vice President of the United States,  
and President of the Senate."*

*Ordered*, That Messrs. ELLSWORTH and BUTLER wait on the PRESIDENT OF THE UNITED STATES, and desire him to acquaint the Senate at what time and place it will be most convenient for him that the foregoing address should be presented.

TUESDAY, December 10.

JOHN BROWN, from the State of Kentucky, attended to-day.

Mr. ELLSWORTH reported, from the committee appointed yesterday to wait on the PRESIDENT OF THE UNITED STATES, that the PRESIDENT proposed to receive the Address of the Senate this day, at 12 o'clock, at his own house. Whereupon, the Senate waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, presented the address agreed to on the 9th instant. To this Address the PRESIDENT OF THE UNITED STATES was pleased to make the following Reply:

"GENTLEMEN: The pleasure expressed by the Senate on my re-election to the station which I fill, commands my sincere and warmest acknowledgments. If this be an event which promises the smallest addition to the happiness of our country, as it is my duty, so shall it be my study, to realize the expectation.

"The decided approbation which the Proclamation now receives from your House, by completing the proofs that this measure is considered as manifesting a vigilant attention to the welfare of the United States, brings with it a peculiar gratification to my mind.

"The other important subjects which have been communicated to you will, I am confident, receive a due discussion; and the result will, I trust, prove fortunate to the United States.

"G. WASHINGTON."

The Senate then returned to their Chamber, and resumed the reading of the papers communicated in the Message of the PRESIDENT OF THE UNITED STATES of the 5th instant, but adjourned before they were got through.

WEDNESDAY, December 11.

CALEB STRONG, from Massachusetts, attended to-day.

The credentials of Mr. BROWN and Mr. STRONG

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were read, the usual oath administered to them, and they took their seats.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his specie account, made up to the 30th of June last; which was read, and ordered to lie on the table.

*Ordered,* That MESSRS. RUTHERFORD, CABOT, ELLSWORTH, LIVERMORE, and MITCHELL, be a committee to take into consideration the petition of Conrad Laub and others, stating that the Hon. ALBERT GALLATIN, at the time he was elected a Senator of the United States, had not been nine years a citizen of the said United States, as is required by the Constitution, and report thereon to the Senate.

The Senate resumed the reading of the papers referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 5th instant; and, after progress, adjourned.

FRIDAY, December 13.

WILLIAM BRADFORD, from Rhode Island, and JOHN TAYLOR, from Virginia, attended, produced their credentials, and took the usual oath and their seats.

The Senate resumed the reading of the papers communicated with the Message of the PRESIDENT on the 5th instant; and the Message and papers therein referred to were ordered to lie for consideration.

MONDAY, December 16.

JAMES JACKSON, from Georgia, attended, produced his credentials, and, the oath required by law being administered to him, he took his seat in the Senate.

The Communications from the Secretary of the Department of War, of the 4th instant, were read, and ordered to lie for consideration.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of War, with a return of the ordnance, arms, and military stores, in possession of the United States, together with a variety of papers, giving a view of the Southwestern frontiers, as connected with the Creek Indians and the State of Georgia, and the Southwestern territory of the United States and the Cherokees; which Letter was read.

*Ordered,* That the Letter and papers therein referred to lie on the table.

The following Messages were received from the PRESIDENT OF THE UNITED STATES, and read:

*Gentlemen of the Senate, and  
of the House of Representatives:*

The situation of affairs in Europe, in the course of the year 1790, having rendered it possible that a moment might arrive favorable for the arrangement of our unsettled matters with Spain, it was thought proper to prepare our Representative at that Court to avail us of it. A confidential person was therefore despatched to be the bearer of instructions to him, and to supply, by verbal communications, any additional information of which he might find himself in need. The Government of France was, at the same time, applied to for its aid and influence in this negotiation. Events, how-

ever, took a turn which did not present the occasion hoped for.

About the close of the ensuing year I was informed, through the Representatives of Spain here, that their Government would be willing to renew at Madrid the former conferences on these subjects. Though the transfer of scene was not what would have been desired, yet I did not think it important enough to reject the proposition; and, therefore, with the advice and consent of the Senate, I appointed Commissioners Plenipotentiary for negotiating and concluding a Treaty with that country, on the several subjects of boundary, navigation, and commerce, and gave them the instructions now communicated. Before these negotiations, however, could be got into train, the new troubles which had arisen in Europe had produced new combinations among the Powers there, the effects of which are but too visible in the proceedings now laid before you.

In the meantime some other points of discussion had arisen with that country, to wit: the restitution of property escaping into the territories of each other, the mutual exchange of fugitives from justice, and, above all, the mutual interferences with the Indians lying between us. I had the best reason to believe that the hostilities threatened and exercised by the Southern Indians on our border were excited by the agents of that Government. Representations were thereon directed to be made by our Commissioners to the Spanish Government, and a proposal to cultivate, with good faith, the peace of each other with those people. In the mean time corresponding suspicions were entertained, or pretended to be entertained on their part, of like hostile excitements by our agents to disturb their peace with the same nations. These were brought forward by the Representatives of Spain here, in a style which could not fail to produce attention. A claim of patronage and protection of those Indians was asserted; a mediation between them and us by that Sovereign assumed; their boundaries with us made a subject of his interference; and, at length, at the very moment when these savages were committing daily inroads upon our frontier, we were informed by them that "the continuation of the peace, good harmony, and perfect friendship of the two nations was very problematical for the future, unless the United States should take more convenient measures, and of greater energy, than those adopted for a long time past."

If their previous correspondence had worn the appearance of a desire to urge on a disagreement, this last declaration left no room to evade it, since it could not be conceived we would submit to the scalping knife and tomahawk of the savage without any resistance. I thought it time, therefore, to know if these were the views of their Sovereign, and despatched a special messenger with instructions to our Commissioners, which are among the papers now communicated. Their last letter gives us reason to expect very shortly to know the result. I must add that the Spanish Representatives here, perceiving that their last communication had made considerable impression, endeavored to abate this by some subsequent professions, which, being also among the communications to the Legislature, they will be able to form their own conclusions.

GEO. WASHINGTON.

UNITED STATES, December 16, 1793.

*Gentlemen of the Senate, and  
of the House of Representatives:*

I lay before you a Report of the Secretary of State on the measures which have been taken on behalf of



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the United States for the purpose of obtaining a recognition of our treaty with Morocco, and for the ransom of our citizens, and establishment of peace with Algiers.

While it is proper our citizens should know that subjects which so much concern their interests and their feelings have duly engaged the attention of their Legislature and Executive, it would still be improper that some particulars of this communication should be made known. The confidential conversation stated in one of the last letters, sent herewith, is one of these. Both justice and policy require that the source of that information should remain secret. So a knowledge of the sums meant to have been given for peace and ransom might have a disadvantageous influence on future proceedings for the same objects.

G. WASHINGTON.

UNITED STATES, December 16, 1793.

These Messages were ordered to lie for consideration.

The VICE PRESIDENT laid before the Senate the following Report, to wit:

"The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to Congress, as follows:

"That, pursuant to the act entitled 'An act making further provision for the reduction of the Public Debt,' and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have, since their report of the 17th of November, 1792, caused purchases of the said Debt to be made, through the agency of Samuel Meredith and Jonathan Burrall, respectively, to the amount of \$523,735 21 in stock, for which there have been paid, in specie, \$426,842 75. That, pursuant to the act entitled 'An act supplementary to the act making provision for the Debt of the United States,' and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have also caused purchases of the said Debt to be made subsequent to their said report of the 17th of November, 1792, to the amount of \$122,538 14 in stock, for which there have been paid \$75,660 87, in specie. That the several documents accompanying this report marked Aa, Ba, and Nos. 1 to 7, with their enclosures, show the aforesaid purchases, generally and in detail, including the places where, the time when, the prices at which, and the persons to whom, they have been made. That the purchases now and heretofore reported amount, together, to \$2,019,193 30 in stock, for which there have been paid \$1,394,664 40, in specie, as will be more particularly seen by the document aforesaid marked Aa. On behalf of the Board:

"JOHN ADAMS.

"PHILADELPHIA, December 16, 1793."

The Report was read, and, together with the papers therein referred to, ordered to lie on the table.

TUESDAY, December 17.

JOHN VINING, from Delaware, appeared, and, the oath required by law being, by the VICE PRESIDENT, administered to him, he took his seat in the Senate.

The Communications received from the PRESIDENT OF THE UNITED STATES on the 16th instant

relative to the negotiations with the Court of Spain, were in part read; and, after progress, the Senate adjourned.

WEDNESDAY, December 18.

The Communications received from the PRESIDENT OF THE UNITED STATES on the 16th instant, relative to the negotiations with the Court of Spain, were read, and ordered to lie for consideration.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of War, of this date, communicating further information relative to the Southwestern frontiers; which Letter and papers were read, and ordered to lie on the table.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of State, of the 16th instant, with a report on the privileges and restrictions on the commerce of the United States in foreign countries; which were read, and ordered to lie for consideration.

THURSDAY, December 19.

The Communications received from the Secretary of the Department of War on the 16th instant, relative to further information respecting the Southwestern frontiers, were in part read; and, after progress, the Senate adjourned.

FRIDAY, December 20.

The Senate resumed the reading of the Communications from the Secretary of the Department of War on the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned.

MONDAY, December 23.

Mr. BRADLEY notified the Senate that, on Wednesday next, he should move for leave to bring in a bill for altering the Flag of the United States.

The Senate resumed the reading of the Communications from the Secretary of the Department of War, on the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned.

TUESDAY, December 24.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

"Gentlemen of the Senate, and  
of the House of Representatives:

"Since the communications which were made to you on the affairs of the United States with Spain, and on the truce between Portugal and Algiers, some other papers have been received, which, making a part of the same subjects, are now communicated for your information.

G. WASHINGTON.

"UNITED STATES, December 23, 1793."

The Message and papers referred to were read, and ordered to lie for consideration.

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Mr. BUTLER notified the Senate that he should, on some day the next week, request leave to bring in a bill in addition to the act, entitled "An act to incorporate the subscribers to the Bank of the United States."

The following motion was made and seconded, to wit: That the Constitution be amended by adding, at the end of the ninth section of the first article, the following clause:

"Nor shall any person holding any office or stock in any institution in the nature of a Bank for issuing or discounting bills or notes payable to bearer or order, under the authority of the United States, be a member of either House whilst he holds such office or stock; but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be herein implied."

And it was agreed that this motion should lie for consideration:

*Ordered*, That Messrs. STRONG, ELLSWORTH, and KING, be a committee to take into consideration that part of the PRESIDENT'S Speech which recommends a further provision against offences.

The Senate resumed the reading of the communications from the Secretary of the Department of War of the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned to Thursday next.

THURSDAY, December 26.

Agreeably to notice given on the 23d instant, Mr. BRADLEY obtained leave to bring in a bill making an alteration in the Flag of the United States; and the bill was read the first time, and ordered to a second reading.

The Senate resumed the reading of the communications from the Secretary of the Department of War of the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned.

FRIDAY, December 27.

The Senate proceeded to the second reading of the bill making an alteration in the Flag of the United States; and, having amended the same, the bill was ordered to a third reading.

The Senate resumed the reading of the communications from the Secretary of the Department of War of the 16th instant, relative to further information respecting the Southwestern frontiers.

*Ordered*, That the communications lie for consideration.

MONDAY, December 30.

The bill making an alteration in the Flag of the United States, was read the third time, and passed.

The petition of James and William Smith, of the State of Georgia, for themselves, and in behalf of the heirs of James Smith, was presented and read, praying for remedy and assistance in respect to certain losses sustained by the Creek Indians.

*Ordered*, That this petition, together with the communications, from the Secretary of the Department of War, respecting Indian Affairs, be referred to Messrs. JACKSON, STRONG, BURR, BUTLER, and LANGDON, to consider and report thereon.

TUESDAY, December 31.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

I lay before you, for your consideration, a Letter from the Secretary of State, informing me of certain impediments which have arisen to the coinage of the precious metals at the Mint.

As also a Letter from the same officer, relative to certain advances of money which have been made on public account. Should you think proper to sanction what has been done, or be of opinion that any thing more shall be done in the same way, you will judge whether there are not circumstances which would render secrecy expedient.

G. WASHINGTON.

UNITED STATES, December 30, 1793.

*Gentlemen of the Senate, and  
of the House of Representatives:*

I communicate to you the translation of a Letter received from the Representatives of Spain here, in reply to that of the Secretary of State to them, of the 21st instant, which had before been communicated to you.

G. WASHINGTON.

UNITED STATES, December 30, 1793.

The Messages and papers therein referred to were severally read, and ordered to lie for consideration.

Mr. RUTHERFORD reported, from the committee to whom was referred the petition of Conrad Laub and others, stating that the Hon. ALBERT GALLATIN, at the time he was elected a Senator of the United States, had not been nine years a citizen of the said United States, as is required by the Constitution; which report was read, and ordered to lie for consideration.

WEDNESDAY, January 1, 1794.

The Senate proceeded to the consideration of the report of the committee to whom was referred the petition of Conrad Laub and others.

On motion to postpone the consideration of the report until to-morrow, it was agreed to amend this motion, by striking out the words "to-morrow," and to insert, in lieu thereof, "Thursday, the 9th instant."

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

I now lay before you a Letter from the Secretary of State, with his account of the expenditure of the moneys appropriated for our intercourse with foreign nations from the 1st of July, 1792, to the 1st of July, 1793, and other papers relating thereto.

G. WASHINGTON.

UNITED STATES, December 31, 1793.

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The Message and papers therein referred to were severally read, and ordered to lie for consideration.

THURSDAY, January 2.

A motion was made that it be—

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:*

*“The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.”*

On which a motion was made as follows:

*Resolved, That the consideration of this motion be postponed, and that the Senate will, on the 10th instant, take into consideration the subject of amendments to the Constitution.”*

Whereupon it was agreed to divide the motion for amendment, and the first clause was adopted, to wit:

*“That the consideration of the original motion be postponed.”*

And, the latter clause of the motion for postponement being amended, it was

*Resolved, That the Senate will, on the 13th instant, take into consideration the subject of amendments to the Constitution.*

FRIDAY, January 3.

A motion was made and seconded, that the Secretary of the Treasury lay before the Senate the following returns, to wit:

A statement of the goods, wares, and merchandise, exported from the several States from the 1st of July, 1792, to the 1st of July, 1793, specifying the quantities and value of each kind, and the several countries to which the same have respectively been exported.

A statement of the goods, wares, and merchandise, imported into the several States for the same period, specifying the quantities and the prime cost, and dutied value of each kind, and the several countries from which the same have respectively been imported.

A statement of the tonnage of foreign vessels entered into the several States during the same period, specifying the several countries to which the said vessels respectively belong.

A statement of the tonnage of the United States' vessels entered into the several States during the same period, distinguishing those employed in fisheries, in the coasting and in the foreign trade, and specifying the several countries from which the said vessels employed in said trade came.

*Ordered, That this motion lie for consideration.*

MONDAY, January 6.

The Senate met to-day, but done no business.

TUESDAY, January 7.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

Experience has shown that it would be useful to have an officer particularly charged, under the direction of the Department of War, with the duties of receiving, safe-keeping, and distributing the public supplies, in all cases in which the laws and the course of service do not devolve them upon other officers; and, also, with that of superintending, in all cases, the issues, in detail, of supplies, with power, for that purpose, to bring to account all persons intrusted to make such issues, in relation thereto.

An establishment of this nature, by securing a regular and punctual accountability for the issues of public supplies, would be a great guard against abuse, would tend to insure their due application, and to give public satisfaction on that point.

I therefore recommend to the consideration of Congress the expediency of an establishment of this nature, under such regulations as shall appear to them advisable.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

*Gentlemen of the Senate, and  
of the House of Representatives:*

I lay before you an official statement of the expenditure to the end of the year 1793, from the sum of ten thousand dollars, granted to defray the contingent expenses of Government, by an act passed on the 26th of March, 1790.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

The Messages and paper referred to in the last-recited Message, were severally read, and ordered to lie for consideration.

WEDNESDAY, January 8.

*Ordered, That the Message of the PRESIDENT OF THE UNITED STATES, of the 7th instant, respecting the usefulness of an officer particularly charged with the duties of receiving, safe-keeping, and distributing the public supplies in certain cases, be referred to Messrs. ELLSWORTH, TAYLOR, and BRADLEY, to consider and report thereon to the Senate.*

The following motion was made and seconded:

*Ordered, That the Secretary of the Treasury do lay before this House the following statements, to wit:*

First. A statement of the Domestic Debt of the United States, as due on the 1st day of January, 1794, specifying under distinct heads—

1st. The Funded Debt, distinguishing the six per cents, three per cents, and deferred stock, and in each kind of stock, stating, separately, the amount created by the assumption of the State Debts.

2d. The Registered Debt.

3d. The Debt subscribable to the Loan of the United States, but which, not being funded or registered at the Treasury, is not entitled to a dividend.

4th. The balances due to creditor States and already funded, (if there be any such,) being the excess of the sum respectively by law assumed, for such States, above the sums actually subscribed in the Debts of the said States.

5th. The Domestic Loans for cash, contracted since the commencement of the present Government, stating the respective times when borrowed, and when becoming due, together with the rate of interest.

6th. All other kinds of Domestic Debts not specially included under the five preceding heads, for the payment of which no appropriations have been made.

Second. A statement of the Domestic Debt redeemed since the commencement of the present Government to the first day of January, 1794, distinguishing the different species of Debt, and specifying the mode of redemption, and, when redeemed for money, the amount of moneys expended in purchasing the same.

Third. A general statement of the Foreign Debt of the United States, as due on the first day of January, 1794, stating separately the French Debt, the other Debts contracted before the commencement of the present Government, and the Loans contracted since that time; and specifying, in each Debt or Loan, the original amount, the time from which the interest commenced, the payments already made, with the dates of the same, and the places where paid, the amount yet due, and the respective times when the same shall become due.

Fourth. A specific account of the application of the moneys obtained upon Foreign Loans contracted since the commencement of the present Government, to the first day of January, 1794, stating the amount of the moneys drawn over to America, and of those applied in Europe, together with the dates of such applications or drafts.

Fifth. A summary statement of the actual receipts and expenditures, from the commencement of the present Government to the last day of December, 1790, including all moneys received on account of the United States, such parts of the Foreign Loans as have not been drawn over to America only excepted; distinguishing the moneys received under each branch of the revenue, and the moneys expended under each appropriation, and stating the balances of each branch of the revenue remaining unexpended on the 31st day of December, 1790; specifying, separately, such balances as were on that day in the Treasury, and such as were uncollected, or in hands of any banks, officers, or other persons.

Sixth. Similar and separate statements for the years 1791, 1792, and 1793, respectively, specifying separately in each statement under each branch of the revenue, the moneys received on account of the revenue of that year, and those received on account of the revenue of each preceding year; and stating, so far as the same is now practicable, the amount of all moneys, bonds, or securities, on hand on the first day of January, 1794, with the times of payment of such bonds or securities.

*Ordered*, That this motion lie for consideration.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill sent from the Senate for concurrence, entitled "An act making an alteration in the Flag of the United States."

#### THURSDAY, January 9.

Agreeably to the order of the day, the Senate took into consideration the report of the committee on the petition of Conrad Laub and others, respecting the appointment of ALBERT GALLATIN to be a Senator of the United States.

On motion,

*Ordered*, That the further consideration of the report be postponed until to-morrow.

A motion was made, that the following amendment be recommended to the Legislatures of the respective States as part of the Constitution of the United States, two-thirds of both Houses agreeing thereto:

"The powers of the Government of the United States shall not extend to curtail or abridge the limits of the United States, as defined in the Treaty of Peace between Great Britain and the said States, dated at Paris, the third day of September, 1783, nor shall the State rights of pre-emption to Indian hunting grounds, within the respective limits, after a fair treaty and sale, be questioned."

*Ordered*, That this motion lie on the table.

#### FRIDAY, January 10.

The Senate resumed the consideration of the report of the committee on the petition of Conrad Laub and others, respecting the appointment of ALBERT GALLATIN a Senator of the United States; which report is as follows:

The committee, to whom was referred the petition of Conrad Laub and others, stating that ALBERT GALLATIN, at the time he was elected a Senator of the United States, had not been nine years a citizen of the said United States, as is required by the Constitution, report:

"That the committee have conferred with Mr. Michael Schmyser, agent for the petitioners, and with Mr. GALLATIN; that Mr. Schmyser has declared that the petitioners are ready to adduce proofs in support of the petition at such time as the Senate may think proper to appoint; that Mr. GALLATIN states no objection to the trial's commencing at an early day. The committee therefore recommend that the Senate agree to the following resolution:

"*Resolved*, That — be assigned for bearing the petition of Conrad Laub and others, respecting Mr. GALLATIN's right to a seat in the Senate, and that Messrs. GALLATIN and Schmyser be furnished with a copy of this resolution."

On motion, it was agreed to postpone the report of the committee, and to take into consideration the following resolution:

"*Resolved*, That a Committee of Elections, to consist of seven, be appointed to report rules for receiving petitions and conducting inquiries relative to the qualifications of a Senator; and that the petition of Conrad Laub and others be referred to the same committee, to state the facts, and that they be authorized to send for persons and papers."

On which a motion was made and seconded to postpone this motion and to take up the following:

"That — be a committee to ascertain and state to the Senate the facts relative to the time when ALBERT GALLATIN became a citizen of the United States, and that the said committee have power to send for persons and papers."

Whereupon, a motion was made and seconded to postpone the preceding, and to take into consideration the following motion:

"*Resolved*, That a Committee of Elections be appointed, and that the petition of Conrad Laub and

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others be referred to it, to report their opinion on the merits of the said petition."

And, after debate, the Senate adjourned.

MONDAY, January 13.

The Senate resumed the consideration of the petition of Conrad Laub and others, respecting the appointment of Mr. GALLATIN to be a Senator of the United States.

On motion,

*Ordered*, That a Committee of Elections, to consist of seven, be appointed, and that the petition of Conrad Laub and others be referred, without prejudice as to any questions which may, upon the hearing, be raised by the sitting member, as to the sufficiency of the parties and the matter charged in the petition, to the same committee, to state the facts, and that they be authorized to send for persons and papers; also, that Messrs. BRADLEY, ELLSWORTH, MITCHELL, RUTHERFURD, BROWN, LIVERMORE, and TAYLOR, be this committee.

Agreeably to the order of the day, the Senate took into consideration the subject of amendments to the Constitution of the United States; and it was agreed to consider at this time the following motion:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

And, after debate, the further consideration thereof was postponed until to-morrow.

*Ordered*, That the further consideration of the motions of the 24th of December last, and the 9th of January instant, on the subject of amendments to the Constitution of the United States, be postponed until to-morrow, and that the several motions on this subject be printed for the use of the Senate.

The Senate resumed the consideration of the motion made the third instant, respecting certain statements from the Secretary of the Treasury; and, having agreed to sundry amendments thereon, it was adopted, as follows:

*Ordered*, That the Secretary of the Treasury lay before the Senate a statement of the goods, wares, and merchandise, exported from the several States from the first day of July, 1792, to the 30th day of June, 1793; specifying the quantities and value of each kind, and the several countries to which the same have respectively been exported.

Statements of the goods, wares, and merchandise imported into the several States, from the 1st day of July, 1791, to the 30th day of June, 1792, and from the 1st day of July, 1792, to the 30th day of June, 1793; specifying, for each period sepa-

tely, the quantities and the prime cost and duties values of each kind, and the several countries from which the same have respectively been imported.

Statements of the tonnage of foreign vessels, entered into the several States, from the 1st day of July, 1791, to the 30th day of June, 1792, and from the 1st day of July, 1792, to the 30th day of June, 1793; specifying, for each period separately, the several countries to which the said vessels respectively belong.

Statements of the tonnage of the United States' vessels, entered into the several States, from the 1st day of July, 1791, to the 30th day of June, 1792, and from the 1st day of July, 1792, to the 30th day of June, 1793; distinguishing, for each period separately, those employed in fisheries, in the coasting and in the foreign trade, and specifying the several countries from which the said vessels employed in the foreign trade came.

TUESDAY, January 14.

Agreeably to the order of the day, the Senate took into consideration the motion made yesterday for an amendment to the Constitution of the United States, respecting the Judicial power thereof.

On motion by Mr. GALLATIN, that the motion be amended to read as follows:

"The Judicial power of the United States, except in cases arising under treaties made under the authority of the United States, shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."

It passed in the negative.

On motion, that the motion be amended to read as follows:

"The Judicial power of the United States extends to all cases in law and equity in which one of the United States is a party; but no suit shall be prosecuted against one of the United States by citizens of another State, or by citizens or subjects of a foreign State, where the cause of action shall have arisen before the ratification of this amendment."

It passed in the negative.

And on the question to agree to the resolution as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."

It passed in the affirmative—yeas 23, nays 2, as follows:

YEAS.—Messrs. Bradford, Bradley, Brown, Burr, Butler, Cabot, Edwards, Ellsworth, Foster, Frelinghuy-

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sen, Hawkins, Jackson, Izard, King, Langdon, Livermore, Martin, Mitchell, Monroe, Robinson, Strong, Taylor, and Vining.

**NAYS.**—Messrs. Gallatin and Rutherford.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this resolution.

The Senate proceeded to the consideration of the following motion, viz :

“That the Constitution be amended by adding, at the end of the 9th section of the 1st article, the following clause :

“Nor shall any person, holding any office or stock in any institution in the nature of a Bank, for issuing or discounting bills or notes payable to bearer or order, under the authority of the United States, be a member of either House whilst he holds such office or stock ; but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied.”

And, after debate, the further consideration of this motion was postponed until to-morrow.

WEDNESDAY, January 15.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*Gentlemen of the Senate, and  
of the House of Representatives :*

I lay before you, as being connected with the correspondence already in your possession, between the Secretary of State and the Minister Plenipotentiary of the French Republic, the copy of a Letter from that Minister of the 25th of December, 1792, and a copy of the proceedings of the Legislature of the State of South Carolina.

G. WASHINGTON.

UNITED STATES, January 15, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The Senate resumed the consideration of the motion made yesterday for an amendment to the Constitution of the United States, inhibiting the holders of any office or stock in the Bank of the United States from a seat in either House of Congress.

On motion to amend the motion, to be read as follows :

“Nor shall any person holding any office in any institution in the nature of a Bank, under the authority of the United States, be a member of either House whilst he holds such office ; but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied.”

And, after debate, the further consideration thereof was postponed until to-morrow.

THURSDAY, January 16.

The Senate resumed the consideration of the motion made yesterday, to amend the motion under consideration the 14th instant, for an amendment to the Constitution of the United States, inhibiting the holders of any office or stock in the Bank of the United States from a seat in either House of Congress.

On motion to amend the amendment, so that it be read as follows :

“Nor shall any person holding any office in the Bank of the United States be a member of either House whilst he holds such office ; but no power to grant any charter of incorporation, or any commercial or other monopoly shall be hereby implied.”

It passed in the affirmative yeas 13, nays 12, as follows :

**YEAS.**—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Izard, Martin, Monroe, Robinson, and Taylor.

**NAYS.**—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, King, Langdon, Livermore, Mitchell, Morris, Strong, and Vining.

On motion it was agreed to expunge the following clause of the motion last adopted :

“But no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied :” and,

On the question to agree to the motion, amended as follows :

“Nor shall any person holding any office in the Bank of the United States be a member of either House whilst he holds such office.”

It passed in the negative, yeas 12, nays 13—as follows :

**YEAS.**—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Martin, Monroe, Robinson, and Taylor.

**NAYS.**—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, King, Langdon, Livermore, Mitchell, Morris, Strong, and Vining.

On motion it was agreed that the further consideration of amendments to the Constitution of the United States be postponed.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*Gentlemen of the Senate, and  
of the House of Representatives :*

I transmit, for your information, certain intelligence lately received from Europe, as it relates to the subject of my past communications.

G. WASHINGTON.

UNITED STATES, January 16, 1794.

The Message and papers referred to were read, and ordered to lie for consideration.

*Ordered*, That the Secretary of the Department of State be requested to lay before the Senate a translation of the Act of Navigation passed by the National Convention of France, communicated this day in the original.

Agreeably to notice given, Mr. BUTLER obtained leave to bring in a bill to amend the act, entitled “An act to incorporate the subscribers to the Bank of the United States ;” which was read the first time.

On motion that this bill have a second reading, in the words following, to wit :

Whereas it is inexpedient that the Government of the United States should continue to hold any stock in the Bank of the United States, or have any political connexion with the said Bank, or any other connexion with it, otherwise than in common with other banks within the United States :

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1st. *Be it therefore enacted by the Senate and House of Representatives in Congress assembled, and by the authority of the same,* That the 11th and 16th articles of the 7th section, and the 9th section, of the act, entitled "An act to incorporate the subscribers to the Bank of the United States," be, and the same are hereby, repealed.

2d. *Be it further enacted,* That the President of the United States be, and he is hereby, authorized to dispose of, by sale, in such manner as he shall deem most conducive to the public interest, and as soon as may be after the passing of this act, all the interest or stock which the public were possessed of, or entitled to, in the said Bank, by virtue of their subscription to the same, in conformity to the 11th section of said act, the proceeds of which sales shall be disposed of as hereafter directed. And whereas it is desirable that the Debt due by the United States to the said Bank, by virtue of the subscription aforesaid, should be discharged at as early a period as may be, as well that the parties interested in the institution may become possessed of the funds, by which it is designed to be constituted, as the public completely exonerated from all claims or demands on that account.

3d. *Be it further enacted,* That the President of the United States be, and he is hereby, authorized to cause to be adjusted, if practicable, with the Directors of said Bank, upon such terms as shall be deemed just and reasonable, the balance which may be due by the United States to said Bank by virtue of said subscription, and the amount to be paid off, at such time or times as shall be agreed on, out of the proceeds of the sales of said stock: *Provided, nevertheless,* That nothing herein contained shall be construed to imply any obligation on the said Directors to accept of any adjustment, or payments, other than contained in, and specified by, the act aforesaid.

4th. *And be it further enacted,* That, if any surplus or balance shall remain from the sales aforesaid, after such adjustment with, or payment to, the Directors aforesaid, such balance shall be, and is hereby, applied to.

It passed in the negative, yeas 12, nays 13—as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cahot, Ellsworth, Foster, Frelinghuysen, Izard, King, Langdon, Livermore, Mitchell, Morris, Stroug, and Vining.

On motion, by Mr. MARTIN, that the Senate adopt the following resolutions:

"*Resolved,* That, in all representative Governments, the Representatives are responsible for their conduct to their constituents, who are entitled to such information that a discrimination and just estimate be made thereof.

"*Resolved,* That the Senate of the United States, being the Representatives of the sovereignties of the individual States, whose basis is the people, owe equal responsibility to the Powers by which they are appointed, as if that body were derived immediately from the people, and that all questions and debates, arising thereupon in their Legislative and Judiciary capacity ought to be public.

"*Resolved,* That the mode adopted by the Senate of publishing their Journals, and extracts from them, in newspapers, is not adequate to the purpose of circulating satisfactory information. While the principles and designs of the individual members are withheld from pub-

lic view, responsibility is destroyed, which, on the publicity of their deliberations, would be restored; the constitutional powers of the Senate become more important, in being more influential over the other branch of the Legislature; abuse of power, mal-administration of office, more easily detected and corrected; jealousies, rising in the public mind from secret Legislation, prevented, and greater confidence placed by our fellow-citizens in the National Government, by which their lives, liberties, and properties, are to be secured and protected.

"*Resolved, therefore,* That it be a standing rule, that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as in their judgment may require secrecy; and that this rule commence on — day of —."

*Ordered,* That this motion lie for consideration, and that, in the mean time, the proposed resolutions be printed for the use of the Senate.

FRIDAY, January 17.

The Senate resumed the consideration of the subject of amendments to the Constitution of the United States; and, after debate, on motion, it was agreed that the further consideration thereof be postponed.

Agreeably to the order of the day, the Senate proceeded to the consideration of the motion made yesterday, that the doors of the Senate Chamber remain open under certain restrictions; and, on motion, it was agreed that the further consideration thereof be postponed until Wednesday next.

On motion, that the Senate adopt the following order:

"That the Secretary of State be directed to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of Secretary of State:"

*Ordered,* That this motion lie until Monday next.

The Senate resumed the consideration of the motion of the 8th of January, instant, that the Secretary of the Treasury lay before the Senate certain statements of the Public Debt; and,

*Ordered,* That the further consideration thereof be postponed until Monday next.

MONDAY, January 20.

The petition of Thomas Person and others, a committee on behalf of themselves and the other purchasers of lands in the ceded Territory South of the Ohio, referring to a petition presented to the Legislature of the State of North Carolina, praying for redress of certain matters therein contained, was presented and read.

*Ordered,* That this petition lie on the table.

On motion, it was agreed that the motion made on the 17th instant, that the Secretary for the Department of State be directed to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, should be further postponed.

The consideration of the motion made on the

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8th instant, that the Secretary for the Department of the Treasury be requested to lay before the Senate certain statements of the Public Debt, was resumed; and being amended, was adopted, as follows:

*Ordered*, That the Secretary of the Treasury do lay before this House the following statements, to wit:

First. A statement of the Domestic Debt of the United States as due on the 1st day of January, 1794, specifying, under distinct heads—

1st. The Funded Debt, distinguishing the six per cents, three per cents, and Deferred Stock, and in each kind of stock stating, separately, the amount created by the assumption of the State Debts.

2d. The Registered Debt.

3d. The Debt subscribable to the Loan of the United States, but which, not being funded or registered at the Treasury, is not entitled to a dividend.

4th. The balances due to creditor States and already funded, if there be any such, being the excess of the sums respectively by law assumed for such States, above the sums actually subscribed in the Debts of the said States.

5th. The Domestic Loans for cash contracted since the commencement of the present Government, stating the respective times when borrowed and when becoming due, together with the rate of interest.

6th. All other kinds of Domestic Debts not specially included under the five preceding heads, for the payment of which, no appropriations have been made.

Second. A statement of the Domestic Debt redeemed since the commencement of the present Government, to the first day of January, 1794; distinguishing the different species of Debt, and specifying the mode of redemption, and, when redeemed for money, the amount of moneys expended in purchasing the same.

Third. A general statement of the Foreign Debt of the United States as due on the 1st day of January, 1794; stating, separately, the French Debt, the other Debts contracted before the commencement of the present Government, and the Loans contracted since that time; and specifying, in each Debt or Loan, the original amount, the time from which the interest commenced, the payments already made, with the dates of the same, and the places where paid, the amount yet due, and the respective times when the same shall become due.

Fourth. A specific account of the application of the moneys obtained upon Foreign Loans, contracted since the commencement of the present Government, to the 1st day of January, 1794, stating the amount of the moneys drawn over to America, and those applied in Europe, together with the dates of such applications or drafts.

Fifth. A summary statement of the actual receipts and expenditures from the commencement of the present Government to the last day of December, 1790, including all moneys received on account of the United States, such parts of the Foreign Loans as have not been drawn over to America only excepted; distinguishing the moneys received under each branch of the revenue, and the moneys expended under each appropriation, and stating the balances of each branch of the revenue remaining unexpended on the 31st day of December, 1790; specifying separately such balances as were on that day in the Treasury, and such as were uncollected or in the hands of any banks, officers, or other persons.

Sixth. Similar and separate statements for the years 1791, and 1792, respectively, and so far as the same is now practicable, for the year 1793; specifying, sepa-

ately, in each statement, under each branch of the revenue, the moneys received on account of the revenue of that year and those received on account of the revenue of each preceding year, and stating, so far as the same is now practicable, the amount of all moneys, bonds or securities, on hand, on the first day of January, 1794, with the times of payment of such bonds or securities.

TUESDAY, JANUARY 21.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

Having already laid before you a Letter of the 16th of August, 1793, from the Secretary of State to our Minister at Paris, stating the conduct and urging the recal, of the Minister Plenipotentiary of the Republic of France, I now communicate to you, that his conduct has been unequivocally disapproved; and that the strongest assurances have been given, that his recal should be expedited without delay.

G. WASHINGTON.

UNITED STATES, January 20, 1794.

The Message was read, and ordered to lie on file.

The memorial of the people called Quakers, from the yearly meeting held at Rhode Island for New England, in the year 1793, was presented and read, praying Congress to exercise the authority vested in them by the Constitution for the suppression of the slave trade.

*Ordered*, That this petition lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

It is with satisfaction I announce to you that the alterations which have been made by law in the original plan for raising a duty on spirits distilled within the United States, and on stills, co-operating with better information, have had a considerable influence in obviating the difficulties, which have embarrassed that branch of the public revenue. But the obstacles which have been experienced, though lessened, are not yet entirely surmounted; and it would seem that some further Legislative provisions may usefully be superadded; which leads me to recal the attention of Congress to the subject. Among the matters which may demand regulation, is the effect, in point of organization, produced by the separation of Kentucky from the State of Virginia; and the situation, with regard to the law, of the Territories Northwest and Southwest of the Ohio.

The laws respecting light house establishments, require, as a condition of their permanent maintenance, at the expense of the United States, a complete cession of soil and jurisdiction. The cessions of different States having been qualified with a reservation of the right of serving legal process within the ceded jurisdiction, are understood to be inconclusive, as annexing a qualification not consonant, with the terms of the law. I present this circumstance to the view of Congress, that they may judge whether any alteration ought to be made.

As it appears to be conformable with the intention of the "Ordinance for the Government of the Territory of the United States Northwest of the river Ohio," although it is not expressly directed, that the laws of that Terri-



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tory should be laid before Congress, I now transmit to you a copy of such as have been passed, from July to December, 1792, inclusive; being the last which have been received by the Secretary of State.

G. WASHINGTON.

UNITED STATES, *January 21, 1794.*

The Message and copy of laws referred to were read, and ordered to lie for consideration.

*Ordered*, That Messrs. BRADLEY, LIVERMORE, and BROWN, be a committee to take into consideration the laws passed in the Territory of the United States Northwest of the river Ohio, from July to December, 1792, inclusive, and report thereon to the Senate.

WEDNESDAY, January 22.

The VICE PRESIDENT laid before the Senate sundry Communications from the Secretary for the Department of War, respecting a Treaty of Peace lately concluded by James Seagrove, agent for Indian affairs on behalf of the United States, with the chiefs and warriors on behalf of the Creek Indians.

The papers communicated were read, and ordered to lie on the table.

Agreeably to the order of the day, the Senate took into consideration the motion made the 16th instant, that the doors of the Senate Chamber "should remain open while the Senate shall be sitting in a Legislative and Judiciary capacity."

On motion, it was agreed to postpone the consideration of this subject to this day fortnight.

THURSDAY, January 23.

On motion, by Mr. CABOT, "that a committee be appointed to consider of the expediency of allowing the drawback on the re-exportation of goods, wares, and merchandise, from ports other than those into which they were first imported, and to report a bill for that purpose, if they shall think it proper:"

*Ordered*, That this motion lie for consideration.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

I forward to you extracts from the last advices from our Minister in London, as being connected with communications already made.

G. WASHINGTON.

UNITED STATES, *January 22, 1794.*

The Message and extracts were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for completing and better supporting the Military Establishment of the United States," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to a second reading.

The motion made on the 17th instant, that the Secretary of State be directed to lay before the Senate the correspondences which have been had

between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of the Secretary of State, was resumed; and

A motion was made to amend the motion, to be read as follows:

"That the President of the United States be requested to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of the Secretary of State:"

And, after debate, the Senate adjourned.

FRIDAY, January 24.

The Senate resumed the consideration of the motion made on the 17th instant, together with the amendment proposed on the 23d, respecting the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic.

And on motion, to agree to the resolution, amended as follows:

"*Resolved*, That the President of the United States be requested to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of the Secretary of State:"

It passed in the affirmative—yeas 13, nays 11, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, Livermore, Mitchell, Morris, Strong, and Vining.

*Ordered*, That the Secretary lay this resolution before the PRESIDENT OF THE UNITED STATES.

The bill sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States," was read the second time.

*Ordered*, That the further consideration of this bill be postponed until Monday next.

MONDAY, January 27.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States;" and

*Ordered*, That it be referred to Messrs. ELLSWORTH, LIVERMORE, STRONG, IZARD, and LANGDON, to consider and report thereon to the Senate.

TUESDAY, January 28.

The memorial of Joseph Bloomfield, President of, and in behalf of the Convention of Delegates from the Abolition Societies within the United States, was presented and read, praying Congress to pass a law prohibiting the traffic carried on by the citizens of the United States for the supply of

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slaves to foreign nations, and preventing foreigners from fitting out vessels for the slave trade in the ports of the United States.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of State, enclosing a translation of the French Act of Navigation.

WEDNESDAY, January 29.

Mr. ELLSWORTH, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States," reported amendments, which were agreed to.

*Ordered*, That the further consideration of this bill be postponed.

THURSDAY, January 30.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

Communications have been made to Congress during the present session, with the intention of affording a full view of the posture of affairs on the Southwestern frontiers. By the information which has lately been laid before Congress, it appeared that the difficulties with the Creeks had been amicably and happily terminated. But it will be perceived with regret, by the papers herewith transmitted, that the tranquility has unfortunately been of short duration, owing to the murder of several friendly Indians, by some lawless white men.

The condition of things in that quarter, requires the serious and immediate consideration of Congress, and the adoption of such wise and vigorous laws as will be competent to the preservation of the national character, and of the peace made under the authority of the United States with the several Indian tribes. Experience demonstrates that the existing legal provisions are entirely inadequate to those great objects.

G. WASHINGTON.

UNITED STATES, January 30, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States;" and, after debate, the further consideration thereof was postponed.

FRIDAY, January 31.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States;" and, after debate,

*Resolved*, That this bill do not pass.

*Ordered*, That the Secretary notify the House of Representatives that the Senate do not concur in this bill.

MONDAY, February 3.

The Senate took into consideration the Message of the PRESIDENT OF THE UNITED STATES, of the

30th of December last, respecting certain impediments in the coinage of the precious metals, together with the Report of the Secretary for the Department of State thereon.

*Ordered*, That Messrs. CABOT, IZARD, and ELLSWORTH, be a committee to take into consideration and report on that part of the Message of the PRESIDENT OF THE UNITED STATES, of the 30th of December last, which respects certain impediments to the coinage of the precious metals, together with the Report of the Secretary for the Department of State thereon.

The Senate proceeded to the consideration of the last paragraph of the said Message, and the papers to which it refers; and

*Ordered*, That they be committed to the committee last mentioned, to consider and report thereon to the Senate.

TUESDAY, February 4.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support," in which they desire the concurrence of the Senate.

This bill was read the first time, and ordered to a second reading.

WEDNESDAY, February 5.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support," was read the second time; and, after debate, the further consideration thereof was postponed until to-morrow.

Mr. CABOT reported, from the committee appointed to take into consideration the last clause of the Message of the PRESIDENT OF THE UNITED STATES, of the 30th December, which report was read; and, after debate,

*Ordered*, That it lie on the table.

The Senate resumed the consideration of the motion made the 16th January last, that the doors of the Senate remain open while the Senate shall be sitting in a Legislative and Judiciary capacity.

*Ordered*, That the consideration thereof be postponed to this day fortnight.

THURSDAY, February 6.

Mr. PORTS, from Maryland, attended.

The petition of Jonathan Holton, late a Lieutenant in the Militia of New Hampshire, was presented and read, stating that he was wounded in the battle of Bennington, and disabled from labor, and praying to be reinstated in the list of invalid pensioners.

*Ordered*, That this petition be referred to the Secretary for the Department of War to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill, sent from the House of Representatives for

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concurrence, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support."

On motion that it be recommitted, for the purpose of further inquiry, it passed in the negative.

And, after agreeing to an amendment, the bill was ordered to a third reading.

The Senate proceeded to the consideration of the report of the committee on the last clause of the Message of the PRESIDENT OF THE UNITED STATES, of the 30th December.

On motion to recommit the report, and that the committee be instructed to bring in a bill for the purposes therein mentioned, it passed in the negative. It was then agreed that the report of the committee be adopted.

Whereupon, it was

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the payment notified by the President of the United States, in his Message of the 30th of December last, to have been made, be approved; and that the President be authorized to make further advances on the same account, as he may judge expedient, not exceeding in the whole the amount which might be claimed of the United States, on the principles stated in the Message.

*Ordered,* That the Secretary desire the concurrence of the House of Representatives in this resolution.

FRIDAY, February 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

I transmit to you an Act and three Ordinances passed by the Government of the Territory of the United States South of the river Ohio, on the 13th and 21st of March, and the 7th of May, 1793; and also certain Letters from the Minister Plenipotentiary of the French Republic, to the Secretary of State, enclosing despatches from the General and Extraordinary Commission of Gaudaloupe.

G. WASHINGTON.

UNITED STATES, February 7, 1794.

The Message and papers therein referred to were read.

*Ordered,* That the Act and three Ordinances, mentioned in the Message, be referred to the committee appointed the 21st of January last, to whom were referred the laws passed in the Territory Northwest of the Ohio, to consider and report thereon to the Senate.

*Ordered,* That the other papers referred to in the Message lie for consideration.

The Senate proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled, "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support." Whereupon,

*Resolved,* That this bill pass as amended.

*Resolved,* That the resolution passed yesterday, on the report of the committee appointed to consi-

der the last paragraph of the Message from the PRESIDENT OF THE UNITED STATES, of the 30th of December last, be reconsidered.

*Ordered,* That Messrs. BURR, ELLSWORTH, and KING, be a committee to take into consideration the Message from the PRESIDENT OF THE UNITED STATES of the 30th December, and that the committee be directed to report a bill to carry the same into execution.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, together with his War Department account; which were read.

*Ordered,* That they lie on the table.

MONDAY, February 10.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of the Treasury, in reference to the orders of Senate of the 20th January last for a return of sundry statements from that Department; which Letter was read.

Mr. BRADLEY reported from the committee to whom was referred the petition of Conrad Laub and others, respecting the appointment of Mr. GALLATIN to be a Senator of the United States; and the report was read.

*Ordered,* That Wednesday next be assigned to take this report into consideration, and that, in the mean time, it be printed for the use of the Senate.

On motion, that the Senate adopt the following resolution:

*Resolved,* That the doors of the Senate be opened, and continue open, during the discussion upon the contested election of ALBERT GALLATIN."

*Ordered,* That this motion lie on the table until to-morrow.

A message from the House of Representatives informed the Senate, that the House concur in the amendment of the Senate to the bill, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support."

TUESDAY, February 11.

Mr. STRONG, from the committee appointed the 24th of December last, to consider that part of the Speech of the PRESIDENT OF THE UNITED STATES which recommends further provision against offences, reported a bill; which was read the first time, and ordered to a second reading.

A motion was made,

"That the petition of Conrad Laub and others, citizens of Pennsylvania, stating that ALBERT GALLATIN had not been more than eight years a citizen of the United States at the time of his election as a Senator, is sufficient, as well in respect to the competency of the petitioners, as in respect to the matter alleged in the petition, to authorize the Senate to inquire and decide whether the said ALBERT GALLATIN had been a citizen of the United States the term of years required by the Constitution as a qualification to be a Senator of the United States."

*Ordered,* That this motion lie until to-morrow.

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On motion it was

*Ordered*, That the Letter of the Secretary of the Department of the Treasury, communicated yesterday, be referred to Messrs. GALLATIN, ELLSWORTH, and TAYLOR, to consider and report thereon to the Senate.

Agreeably to the order of the day, the Senate took into consideration the motion made yesterday that the doors of the Senate be opened during the discussion of the contested election of Mr. GALLATIN. Whereupon,

*Resolved*, That the doors of the Senate be opened, and continue open during the discussion upon the contested election of ALBERT GALLATIN.

Mr. BURR reported from the committee to whom was referred the Act and three Ordinances mentioned in the Message from the PRESIDENT OF THE UNITED STATES of the 7th instant, enacted and ordained by the Governor and Judges of the Territory South of the river Ohio, "that Congress do not disapprove the same," and the report was agreed to.

#### WEDNESDAY, February 12.

On motion, that the consideration of the report of the committee on the petition of Conrad Laub and others, respecting the appointment of Mr. GALLATIN to be a Senator of the United States, be postponed until Monday next; it was passed in the affirmative.

A message from the House of Representatives informed the Senate, that the House have passed a bill entitled "An act for the relief of Thomas Jenkins and Sons," in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Jenkins and Sons," was read a first time, and ordered to a second reading.

The bill in addition to "The act for the punishment of certain crimes against the United States," was read the second time; and, after debate, the further consideration of the bill was postponed.

#### THURSDAY, February 13.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Jenkins and Sons," was read the second time.

*Ordered*, That this bill pass to a third reading.

The Senate resumed the second reading of the bill, in addition to "The act for the punishment of certain crimes against the United States;" and, after debate, the further consideration thereof was postponed.

Mr. BURR, from the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 30th of December last, reported a bill authorizing and directing the settlement of the accounts of Major General LAFAYETTE; which was read the first time, and ordered to a second reading.

#### FRIDAY, February 14.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Jenkins and Sons," was read the third time and passed.

The bill authorizing and directing the settlement of the accounts of Major General LAFAYETTE was read the second time, and, after debate, it was ordered to lie for consideration and inquiry.

The Senate resumed the second reading of the bill in addition to "The act for the punishment of certain crimes against the United States;" and, after debate, the bill was ordered to be committed.

Mr. CABOT, from the committee appointed the third instant, reported a bill in alteration of the act establishing a Mint and regulating the coins of the United States, which was read the first time and ordered to a second reading.

#### MONDAY, February 17.

The petition of Michael Schmyser, agent for Conrad Laub and others, petitioners against the election of ALBERT GALLATIN, to be a Senator of the United States, was presented and read, praying to be heard by counsel.

*Ordered*, That the prayer of the petition be granted.

The consideration of the report of the committee on the petition of Conrad Laub and others, respecting the election of Mr. GALLATIN to be a Senator of the United States, was resumed, and, after progress, it was ordered that the consideration thereof be postponed until Wednesday next.

The bill in alteration of "The act establishing a Mint and regulating the coins of the United States," was read the second time and ordered to a third reading.

#### TUESDAY, February 18.

Mr. STRONG, from the committee to whom was recommitted the bill in addition to the act for the punishment of certain crimes against the United States, reported amendments.

*Ordered*, That the bill be printed as the committee have reported it amended.

The bill in alteration of the act establishing a Mint and regulating the coins of the United States was read the third time and passed.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of the Treasury, together with fourteen statements of tonnage, for a year ending the 30th of September, 1792, according to the entries of vessels in the United States during that period; which were read and ordered to lie for consideration.

#### WEDNESDAY, February 19.

JAMES GUNN, from Georgia took his seat in the Senate.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the committee on the petition of Conrad Laub and

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others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

*Ordered*, That the consideration thereof be further postponed until to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*Gentlemen of the Senate*

*and of the House of Representatives :*

I lay before you the copy of a Letter which I have received from the Chief Justice and Associate Justices of the Supreme Court of the United States ; and, at their desire, the representation, mentioned in the said Letter, pointing out certain defects in the Judiciary system.

G. WASHINGTON.

UNITED STATES, February 19, 1794.

The Message and representation therein referred to were read.

*Ordered*, That they be referred to Messrs. ELLSWORTH, STRONG, TAYLOR, LIVERMORE, and POTTS, to consider and report thereon to the Senate.

Conformably to the order of the day, the Senate resumed the consideration of the motion, made on the 16th of January last, that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity.

On motion, by Mr. MARTIN, that the question be now taken on the propositions generally,

A motion was made for the previous question, to wit: Shall the question be now put on the following preliminary resolutions ?

*Resolved*, That, in all Representative Governments, the Representatives are responsible for their conduct to their constituents, who are entitled to such information, that a discrimination and just estimate be made thereof.

*Resolved*, That the Senate of the United States, being the Representatives of the Sovereignities of the individual States, whose basis is the people, owe equal responsibility to the powers by which they are appointed, as if that body were derived immediately from the people, and that all questions and debates arising thereupon in their Legislative and Judiciary capacity, ought to be public.

*Resolved*, That the mode adopted by the Senate of publishing their journals, and extracts from them, in newspapers, is not adequate to the purpose of circulating satisfactory information. While the principles and designs of the individual members are withheld from public view, responsibility is destroyed, which, on the publicity of their deliberations, would be restored ; the Constitutional powers of the Senate become more important, in being more influential over the other branch of the Legislature ; abuse of power, mal administration of office, more easily detected and corrected ; jealousies, rising in the public mind from secret legislation, prevented ; and greater confidence placed by our fellow-citizens in the National Government, by which their lives, liberties, and properties, are to be secured and protected :

It passed in the negative.

On motion to postpone the main question to the next session of Congress, to wit :

*Resolved*, That it be a standing rule that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as in their judgment may re-

quire secrecy ; and that this rule commence on — day of — ?

It passed in the affirmative—yeas 14, nays 13, as follows :

YEAS.—Messrs. Bradford, Bradley, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, Langdon, Livermore, Mitchell, Morris, Rutherford, Strong, and Vining.

NAYS.—Messrs. Brown, Burr, Butler, Edwards, Gallatin, Gunn, Hawkins, Jackson, King, Martin, Monroe, Potts, and Taylor.

The Senate resumed the second reading of the bill, authorizing and directing the settlement of the accounts of Major General LAFAYETTE ; and having amended the same, the bill was ordered to a third reading.

On motion to reconsider the following motion, to wit :

*Resolved*, That it be a standing rule that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as, in their judgment, may require secrecy ; and that this rule commence on — day of — ?

It passed in the affirmative—yeas 17, nays 10, as follows :

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Foster, Gallatin, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Monroe, Potts, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Izard, Mitchell, Morris, Rutherford, Strong, and Vining.

A motion was made to amend the motion last reconsidered, as follows :

*Resolved*, That, after the end of the present session of Congress, and, so soon as suitable galleries shall be provided for the Senate Chamber, the said galleries shall be permitted to be opened every morning, so long as the Senate shall be engaged in their Legislative capacity, unless in such cases as may in the opinion of the Senate require secrecy, after which the said galleries shall be closed :

And, after debate, the Senate adjourned.

THURSDAY, February 20.

The Senate resumed the consideration of the motion made yesterday, to amend the motion then reconsidered, respecting the opening the doors of the Senate Chamber whilst sitting in a Legislative capacity.

On motion to commit the motion for amendment, it passed in the negative.

On motion, that the amendment be agreed to, it passed in the affirmative—yeas 18, nays 9, as follows :

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Ellsworth, Foster, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Monroe, Potts, Taylor, and Vining.

NAYS.—Messrs. Bradford, Cabot, Frelinghuysen, Gallatin, Izard, Mitchell, Morris, Rutherford, and Strong.

On motion to adopt the resolution, amended as follows :

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"Resolved, That, after the end of the present session of Congress, and so soon as suitable galleries shall be provided for the Senate Chamber, the said galleries shall be permitted to be opened every morning, so long as the Senate shall be engaged in their Legislative capacity, unless in such cases as may, in the opinion of the Senate, require secrecy, after which the said galleries shall be closed:"

It passed in the affirmative—yeas 19, nays 8, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Ellsworth, Foster, Gallatin, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Monroe, Potts, Taylor, and Vining.

NAYS.—Messrs. Bradford, Cabot, Frelinghuysen, Izard, Mitchell, Morris, Rutherford, and Strong.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States," in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time and ordered to a second reading.

Resolved, That, on a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and that, during the discussion of such motion, the doors shall remain shut.

Ordered, That the second reading of the bill in addition to the act for the punishment of certain crimes against the United States, as reported to be amended by the committee, be the order of the day for Tuesday next.

### CONTESTED ELECTION.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

The Report of the Committee states the evidence, and concludes with an opinion, that to controvert the allegations set forth in the petition against Mr. G., it lays with him to prove his citizenship.

Accordingly, Mr. G. presented a written statement of facts, which the PRESIDENT of the Senate read. It contained a narrative of several transactions from the time of Mr. G.'s arrival in the Province of Maine, or Massachusetts, about thirteen years ago. Of his having contributed by money and his own services as a volunteer, in the cause of the Revolution. Of his having taken oaths of allegiance and purchased lands in that State, and also in the State of Virginia. In the back parts of the last mentioned State, he had formed an interesting settlement, and had been extremely useful in bringing settlers from Europe. The dates of those transactions and times of his arrival in Pennsylvania, and of being sent to the State Convention,

are also recited, up to the time of his being chosen one of their Representatives in the Senate of the United States.

After the PRESIDENT had done reading the statement of facts, Mr. G. addressed the Senate, by observing, that he felt himself rather in an awkward predicament, not knowing whether the counsel for the prosecutors or himself were the proper persons to speak the first, as this preliminary was not yet laid down by the Senate. neither had he provided any counsel. He should have supposed himself in the situation of defendant, were it not that the weight of proving the affirmative in regard to citizenship had been laid on him, under which predicament it might perhaps be necessary for him to begin, and after the counsel for the petitioners had spoken, that he should then be allowed to close the arguments.

Mr. LIVERMORE was of opinion, that the sitting member should begin the debate, as the *onus probandi* lay with him.

The counsel for the petitioners, Mr. LEWIS, rose. He was attended by Mr. Schmyser, one of the members of the Senate of Pennsylvania, who, we understand, manages the prosecution on the part of the petitioners. Mr. L. hoped he would be permitted to say a few words in the early stage of the business, in regard to the manner of conducting it. He recapitulated sundry offices and posts of honor that had been conferred on him, from which he humbly presumed he had gathered much experience, and particularly in cases of Contested Elections. He would, therefore, beg leave of the honorable Senate, to offer an observation before they should determine on the mode of conducting the trial. When the question for postponement, which was debated the other day, was before them, the sitting member did then consider himself as defendant, and for an hour had fought phantoms of his own imagination, but now he has changed his ground, and desires to have the privileges which belong to the petitioners only, namely, the right of opening the prosecution, and afterwards concluding the arguments.

Mr. GALLATIN submitted to the decision of the Senate, and said he did not wish to contend for mere matters of form.

Mr. MARTIN, from N. Carolina, thought it immaterial who began or concluded, if in the end the Senate should be enabled to arrive at a just degree of information.

Mr. JACKSON, from Georgia, made some observations on the manner of conducting the business. He thought it would be incumbent on the counsel for the petitioners to prove that Mr. GALLATIN was not a citizen, &c.

Mr. KING, from New York, and some other gentleman of the Senate, said a few more words on the motion; it was agreed that the sitting member should begin.

Mr. GALLATIN accordingly rose and recapitulated the facts stated in the written paper which he had presented to the PRESIDENT, commenting on each of them as he proceeded. He proved that he had been an inhabitant of the United States for thirteen years, and was one before the Peace of

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1783, and before the Confederation. He quoted the laws previous thereto respecting aliens, and also the British statutes, and he maintained that they were all done away by the Revolution. He conceived himself a citizen in common with the other citizens of the United States, from the time of his first qualifying after his arrival and attachment to the country. He concluded by saying, he would reserve the remainder of his defence until after he should hear the counsel on behalf of the petitioners.

Mr. Lewis commenced his speech by observing, that he appeared there on behalf of Conrad Laub, and other respectable men, who complained of the unconstitutionality of admitting Mr. GALLATIN to a seat in the Senate. He was glad to find, by the gentleman's expressions, that the ground of debate had been narrowed into so small a compass, and he would therefore take him up from the argument where he had left off speaking, that of his being a citizen in common of the United States, from the time of his qualifying in Massachusetts or Virginia. But in Virginia two oaths are required, and they must be taken in a Court, not before a Magistrate, to entitle a man to citizenship. He must also be possessed of a certain quantity of property and be a resident for two years. It appears Mr. G. did not remain in Virginia more than two months. [Here Mr. Lewis read the law of Virginia of the 20th October, 1783.] On this law Mr. L. argued that Mr. G. had not gone through the necessary qualifications to entitle him to citizenship there; and he observed, that he admired the gentleman's candor in not insisting on it here. In this State he had certainly not qualified himself agreeably to the law. Under these circumstances, Mr. L. for his part could never admit of the gentleman's right to citizenship so far back as to entitle him to the suffrage of a vote for a seat in the Senate, &c.

The mischievous consequences of permitting such innovations he represented in strong terms; and he called to the recollection of the Senate the conduct of ancient and modern Governments on this question. One of the ancient Republics made it death for an alien to intermeddle in their politics. The sentiments of antiquity, and those of men in modern days, proved the justice of these conclusions.

With regard to the arguments of the gentleman respecting his being entitled to be a citizen of the Union, or of any individual State of it, because he had qualified himself to be a citizen of one of them, Mr. L. said, was a mere bubble, for surely the gentleman was not one of the mass of citizens at the accomplishment of Independence.

The doctrine of the old law, which the gentleman says was done away by the Revolution, in respect to aliens, may have been so with regard to the British king; it was still, however, virtually in force against the gentleman. But supposing it to be done away, how do the Constitutions of the different States stand on this head? Is it not implied by all of them, that certain oaths, residence, and property, make the requisites to form citizenship? In Massachusetts, a foreigner is not a citizen without he complies with those terms. [Here

he quoted p. 70 of the small volume of the Laws of Massachusetts. He also cited the act in favor of John Jarvis and others; also, p. 104 of the same book, and p. 191 and 192.] From these he maintained, that no such wild idea was ever contemplated by either the law of Massachusetts or Virginia, as to admit foreigners or persons from other States to citizenship, immediately on their entrance within their limits.

The situation of the sitting member, with respect to the Constitution and laws of Pennsylvania, he had little doubt was similar to what he had mentioned in regard to the other States, although he would not assert it as a fact. [He read the 42d section, and also in p. 43 of the Law of Pennsylvania, 13th of March, 1789, a proviso which contains some precautions requiring records to be kept by the Master of the Rolls of the persons admitted to citizenship.] The same principle pervades all the States as well as it does the Constitution of the United States. The absurdity of applying it in any other sense, was severely pictured by Mr. L., and to admit the idea advanced by the sitting member, was as inadmissible as it was novel. In support of what he wished to impress on the minds of the Senate, Mr. L. quoted the 1st vol. of the Journals of Congress in 1774 and 1775, p. 28 and 29. He then recurred to *Blackstone*, vol. 1. p. 63, 64, and 69; also 73 and 79.

It was not his intention to quote the Parliamentary Laws of England in support of any thing, but such parts of their Common Law as could be got over. That Common Law of England which was imported by our ancestors, and handed down to them by the People, not the Parliament. The People had made the Common Law, from time to time. The Saxons, Normans, &c., were all concerned in making and improving it, until it had finally reached that degree of perfection in which it was given to us by our ancestors, and it was founded in wisdom and justice.

Mr. L. next quoted, first *Blackstone*, 402, which was one of the British laws that had never been admitted in this country, and which, he hoped, never would, viz: that wherein the distinction is drawn between the Commoner and the Peer, an oath being required of the Commoner, upon all occasions, and no more than "*upon my honor*," from a Peer, except in giving evidence in civil or criminal trials.

Mr. L. concluded by saying that the difficulties which stood between Mr. GALLATIN and his seat, were insurmountable and could not be removed without showing a law of Massachusetts, Virginia, &c., repealing those laws in regard to the qualification of citizens, which he had mentioned, but which repeal he was certain did not exist. He therefore stated, that to insist upon the gentleman's right to a seat, was both novel and absurd. These were his opinions, which he had given in a perfectly extempore way, not having been allowed time, nor expecting to meet the subject on the new ground which it had this day taken in the Senate.

Mr. GALLATIN said, he would pledge himself to the Senate, to prove that the grounds of his argu-

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ments and his construction of the Confederation and laws of the States, was neither novel nor absurd, except in Mr. L.'s construction of them, but had been admitted in many instances. However as the Common Law of England was now introduced by Mr. L., which was new ground to him and as the hour of adjournment was nearly approaching, he would beg leave to make his reply to-morrow.

On motion, the further consideration of this subject was postponed until to-morrow.

FRIDAY, February 21.

The bill sent from the House of Representatives for concurrence, entitled "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States;" was read the second time and referred to Messrs. CABOT, BURR, and LANGDON, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a communication from the Secretary for the Department of War, stating certain defects in the act passed at the last session of Congress, entitled "An act to regulate the claims to Invalid Pensions;" which was read and ordered to lie for consideration.

#### CONTESTED ELECTION.

Agreeably to the order of the day the Senate resumed the consideration of the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

Mr. GALLATIN commenced his defence by laying down the principles on which he intended to argue. His was a very serious situation, for a person to be placed in, who had been so long in America, and who had mingled with the inhabitants in the common cause, that he should afterwards be called before so solemn a tribunal, with an intention to wrest from him his right of citizenship. He confessed, that on this occasion his feelings were deeply interested, particularly as the manner of the counsel for the prosecutors was so personal, and went not only to deny him a seat in the Senate of the United States, but even to contest his citizenship, and denounce him as being yet an alien.

This was a matter of consequence to many thousands as well as himself, who have long considered themselves in possession of all the privilege of denizens, and yet may be deprived of their rights, if the doctrines of the counsel for the prosecutors should obtain any sanction from the body who were now to judge of its merits.

Mr. G. entered into a series of observations on the various points of law, &c., which had been adduced by Mr. LEWIS, and he particularly remarked, that the Common Law of England was entirely inapplicable to the subject under consideration. He read the laws of Virginia respecting naturalization, &c., from which he insisted that he had long since become a citizen of the United

States. He also quoted 1st *Blackstone*, p. 374, and *Viner's Abridgment*, vol. ii. p. 266, respecting the different acceptations of denizen and citizen, and he went back so far as the British statutes in 1740, to show the intention of the old Government was to naturalize all persons who would go and reside in the Colonies. He next mentioned the act of Pennsylvania, of 31st of August, 1778, and commented on the principles generally entertained by most writers on the subjects of allegiance and citizenship. *Blackstone*, 266, &c.

An alien is a man born out of the allegiance of the King. But allegiance in England is not an allegiance to the country or to society, as it is understood in this country.

In order to explain the principle of reciprocity, he observed, that when the two crowns of England and Scotland were united under James, the inhabitants of Scotland became naturalized in England, as if they had been natural-born subjects of that country. The allegiance in Britain was personal to the King, and it has there this remarkable quality, that by the British laws allegiance can never be shaken off.

This country, before the Revolution, owed allegiance to the King, but that was destroyed by the Declaration of Independence, and then the inhabitants of the States became mutually citizens of every State reciprocally; and they continued so until such time as the States made laws of their own afterwards respecting naturalization.

As soon as separate Governments existed, allegiance was due to each, and here the allegiance was a reality, it was to the Government and to society, whereas in Britain it is merely fictitious, being only to one man.

Every man who took an active part in the American Revolution, was a citizen according to the great laws of reason and of nature, and when afterwards positive laws were made, they were retrospective in regard to persons under this predicament, nor did those posterior laws invalidate the rights which they enjoy under the Confederation.

Mr. G. here mentioned his having been an inhabitant of Massachusetts, before October, 1780, and he also observed, that the law passed in that State was decisive against the Common Law of England.

In quoting the laws of Massachusetts, which were passed in 1785, and afterwards, for naturalizing John Gardner, and James Martin, he remarked that they clearly implied that even a natural born subject, who had not acted in the Revolution, and an absentee, was not entitled to citizenship. He likewise took notice of the case of Mr. WILLIAM SMITH, of South Carolina, against whose election as a Representative in Congress, a petition was presented by Doctor Ramsey, although the decision of South Carolina on that subject was exactly the reverse of Massachusetts.

In speaking of the difficulties that occurred in explaining the terms citizen and alien, he ran over a number of cases, and asked whether if a person had arrived in the United States during the war, from Nova-Scotia, or elsewhere, and had taken an



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active part against the enemy, would he not be better entitled to the right of a citizen, than even those who afterwards subscribed to the acts? The counsel for the prosecutors had admitted that a person who had been one of the mass of the people, at the Declaration of Independence, was a citizen. On the same principle, until a law passes to disprove that a man who was active in the Revolution previous to the Treaty of Peace, was a citizen, he must be one *ipso facto*.

Mr. G. next read a quotation from the 1st. vol. of *Woodison*, p. 382, an English writer, who acknowledged that all persons were aliens at the recognition of Independence, and that is a more liberal construction than the counsel for the petitioners would admit of, for by his construction, our sailors, &c., ought to be naturalized, lest they be alarmed by the British.

The new Constitution of the United States requires certain qualifications for members of Congress, &c., but it does not deprive persons of their rights who were actually citizens before this Constitution was ratified that made the States the United States. They were United by consent before, and consequently he was one of the people before the United States existed.

He went on to read from the Constitution of Massachusetts, and several other States, sundry clauses in support of his reasoning, and recapitulated the several heads of Mr. L.'s arguments, to each of which he replied.

Mr. G. said, that Mr. Lewis was unfortunate in producing the law of Pennsylvania, for, by proving too much, he had proved nothing, for the 42d sec. of the Constitution is retrospective, and by acknowledging the Articles of Confederation to be the supreme law of the land, persons who were reciprocally citizens before, are still left in full possession of the right.

So far from any dangerous consequences arising on my construction of citizenship, said he, I think it must be evident, that there is more danger and absurdity in the counsel's own constructions. For, in remarking on the policy of nations, we find even slaves have been enfranchised by the great Republics in times of common danger. The policy of America should be to make citizenship as easy as possible, for the purpose of encouraging population; even during the British dominion that was a principle laid down, and afterwards it was attempted to be varied; it is made one of the principal subjects of complaint in the Declaration of Independence, where it is expressly said, that the King endeavored to prevent the population of these States, by having laws made to obstruct the naturalization of foreigners.

If there was any dangerous consequences to be apprehended from the former regulations on this subject, they are all remedied by the new Constitution.

Therefore, no ill consequence or absurdity can follow. The author of the *Federalist* supports this principle in vol. ii, p. 54, for he says, that it is a construction scarcely avoidable, that citizens of each of the States are mutually so in all of them.

The first words in the Constitution, "We, the

People," furnished another argument in support of Mr. G.'s principles, which he turned to great advantage, still drawing an inference to show that Mr. L.'s construction of the subject was most liable to difficulties and to mischievous consequences.

He concluded by observing, that if there was any disfranchising clauses in the Constitution of the United States, tending to deprive citizens of antecedent rights, all such clauses must be construed favorably, and were evidently on his side. With regard to a sentence that had been added, by the advice of counsel, to the affidavit of Pelatiah Webster, he made some remarks which tended to establish his own personal character, which he trusted would be found, when traced back to his nativity, to stand the test; and that his right to a seat in the Senate would also stand upon an equally just foundation.

Mr. Lewis denied ever having seen the affidavit of Mr. Webster, until it was shown him at the time the examination before the Committee was going forward.

Mr. GALLATIN recriminated, that the clause of which he took notice, was not in the affidavit when Mr. Webster brought it to the Committee, and that he had permitted it to be added with great reluctance. It was only the recital of a few words which passed between Mr. G. and Mr. W. in jest, some years since, wherein Mr. G. had ironically said his name was Sidney, probably alluding to some essays that had appeared in the newspapers under that signature, which have been generally attributed to the pen of another gentleman in this State.

Mr. JACKSON, in order to bring the merits of the subject directly before the Senate, said he would move a resolution, that would have that effect; but upon Mr. Lewis's observing, that he had not yet closed his arguments, and at the instance of Mr. BUTLER, from South Carolina, who said he would second Mr. JACKSON's motion hereafter, it was withdrawn for the present.

*Ordered*, That the further consideration thereof be postponed until to-morrow.

SATURDAY, February 22.

The VICE PRESIDENT laid before the Senate a Report from the Secretary for the Department of Treasury, on the expediency of erecting a light house on Cape Hatteras, in the State of North Carolina, together with sundry papers therein referred to; which were read.

*Ordered*, That this report, and the papers therein referred to, be committed to Messrs. MARTIN, LANGDON, and KING, to consider and report thereon to the Senate.

: CONTESTED ELECTION.

The Senate resumed the consideration of the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

The greater part of the day was taken up by Mr. Lewis's pleadings, wherein he entered into a very

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extensive field of reasoning, and quoted a great number of authorities, in support of the principles on which he had set out last Thursday, and to prove that in the true sense of the Constitution of the United States, as well as of that of the State of Pennsylvania, Mr. GALLATIN was not duly qualified for the office of a Senator, and therefore, he trusted that the honorable Senate, upon mature reflection, would vacate his seat.

Mr. GALLATIN closed his defence in a short speech, wherein he quoted *Vattel*, p. 167, and explained the 42d section of the Constitution of Pennsylvania, the liberal construction of which, he said, was in his favor, and the construction contended for by the counsel, absurd. He finished by reading a passage from *Lord Bacon's* works, to show that where there is any doubt in the laws, it should operate in favor of the defendant, and he accordingly made no doubt but that the Senate would validate his election.

*Ordered*, That the further consideration of the subject be postponed until Monday next.

A motion was made as follows :

"*Resolved*, That ALBERT GALLATIN, returned to this House as a member for the State of Pennsylvania, is duly qualified for, and elected to, a seat in the Senate of the United States."

*Ordered*, That the consideration of this motion be postponed until Monday next, and that a number of copies of the fourth article of the First Confederation of the United States be printed for the use of the Senate.

#### MONDAY, February 24.

The Senate resumed the consideration of the motion made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States ; and, after progress,

*Ordered*, That the further consideration thereof be postponed until to-morrow.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," in which they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*Gentlemen of the Senate, and  
of the House of Representatives :*

The extracts which I now lay before you, from a Letter of our Minister at London, are supplementary to some of my past communications, and it will appear to be of a confidential nature.

I also transmit to you copies of a Letter from the Secretary of State to the Minister Plenipotentiary of his Britannic Majesty, and of the answer thereto, upon the subject of the Treaty between the United States and Great Britain ; together with the copy of a Letter from Messrs. Carmichael and Short, relative to our affairs with Spain, which Letter is connected with a former confidential Message.

G. WASHINGTON.

UNITED STATES, February 24, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

#### TUESDAY, February 25.

The bill, sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," was read the first time and ordered to a second reading.

The Senate resumed the consideration of the motion made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States ; and, after progress,

*Ordered*, That the further consideration thereof be postponed until to-morrow.

On motion it was agreed that the second reading of the bill, in addition to the act for the punishment of certain crimes against the United States, assigned as the order of this day, be further postponed.

#### WEDNESDAY, February 26.

The Senate resumed the consideration of the motion, made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States ; and, after progress,

*Ordered*, That the further consideration thereof be postponed until to-morrow.

The following message was received from the PRESIDENT OF THE UNITED STATES, and read :

*Gentlemen of the Senate :*

I have caused the correspondence, which is the subject of your resolution of the 24th day of January last, to be laid before me. After an examination of it, I directed copies and translations to be made ; except in those particulars which, in my judgment, for public considerations, ought not to be communicated.

These copies and translations are now transmitted to the Senate ; but the nature of them manifest the propriety of their being received as confidential.

G. WASHINGTON.

UNITED STATES, February 26, 1794.

*Ordered*, That the Message and papers therein referred to lie for consideration.

The bill, sent from the House of Representatives, for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," was read the second time, and the further consideration of the bill was postponed.

#### THURSDAY, February 27.

*Ordered*, That the bill from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," be referred to Messrs. CABOT, FRELINGHUYSEN, and LANGDON, to consider and report thereon to the Senate.

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The Senate resumed the consideration of the motion, made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States; and, after progress,

*Ordered*, That the further consideration thereof be postponed until to-morrow.

FRIDAY, February 28.

The Senate resumed the consideration of the 22d instant, on the report of the committee on the petition of Conrad Laub and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

And, on the question to agree to the motion, as follows:

*Resolved*, That ALBERT GALLATIN, returned to this House as a member for the State of Pennsylvania, is duly qualified for, and elected to, a seat in the Senate of the United States:

It passed in the negative—yeas 12, nays 14, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

On motion, that it be

*Resolved*, That the election of ALBERT GALLATIN to be a Senator of the United States was void, he not having been a citizen of the United States the term of years required as a qualification to be a Senator of the United States:

A motion was made to divide the question at the word "void;" and,

On motion to agree to the first paragraph of the motion so divided, it passed in the affirmative—yeas 14, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

On motion to adopt the resolution as follows:

*Resolved*, That the election of ALBERT GALLATIN to be a Senator of the United States was void, he not having been a citizen of the United States, the term of years required as a qualification to be a Senator of the United States:

It passed in the affirmative—yeas 14, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

*Resolved*, That an attested copy of the resolution of the Senate, declaring the election of AL-

BERT GALLATIN to be void, be transmitted by the PRESIDENT of the Senate to the Executive of the Commonwealth of Pennsylvania.

The report of the committee on the petition of Conrad Laub and others, above referred to, and made on the 10th instant, is as follows:

"The Committee of Elections, to whom was referred the petition of Conrad Laub and others, against the election of the Honorable ALBERT GALLATIN as a Senator of the United States for the State of Pennsylvania, report:

"That they have had the same under consideration, and, having given due notice, as well the petitioners, by their agent, Michael Schuyser, as the said Mr. GALLATIN appeared before them, and, on the part of the petitioners, the following evidence was produced, to wit:

"Robert Morris, Esq., being duly sworn, deposes: That, during the war, two of his sons went to Geneva for their education, and at that place they became acquainted with some of the friends of Mr. Albert Gallatin, who had gone for America, and they, being solicitous to hear of his safety, desired Mr. Morris's sons to write to their father, to make inquiry and give the information he should obtain. That, frequently afterwards, he received letters for Mr. Gallatin from Europe, which he always supposed to come from the friends of Mr. Gallatin, in Geneva. He supplied Mr. Gallatin with money for a bill upon London, and there supposed the funds to pay the same were remitted from Geneva. Mr. Morris paid Mr. Gallatin about one thousand guineas, by order of Messrs. \_\_\_\_\_ & Co., bankers in Paris, believing always that they were reimbursed from Geneva. Mr. Morris does not recollect dates, not having for a long while seen any of the letters that passed on the subject; he does not know the place of Mr. Gallatin's nativity, but, from the general course of the circumstances which came under his observation, he always did suppose he was born in Geneva."

"Sworn to, and subscribed, January 22, 1794."

"Nathaniel Cabot Higginson, Esq., being duly sworn, deposes: That he does not know directly anything of Mr. Gallatin's being a foreigner or native; that he recollects knowing him by reputation and sight at Boston, in one of the years 1781, 1782, or 1783, and that he was generally reputed to be a foreigner. This deponent believes that Mr. Gallatin then taught the French language, and did not speak the English with facility; and further recollects that Mr. Gallatin was resident there or thereabouts a considerable time. This deponent further says, that he never had any conversation with Mr. Gallatin, but founds his belief, with respect to Mr. Gallatin's not speaking the English with facility, on the information received from others.

"Sworn to, and subscribed, January 22, 1794."

"Mr. John Breakbill, being duly sworn, testifies: That, last Winter, being a member of the Legislature of Pennsylvania, previous to the election of Senator for the State of Pennsylvania, I heard Mr. Gallatin say his citizenship would not admit his being a Senator; what were his reasons for making the declaration I cannot say; I took it, he did not wish to be elected. This declaration by Mr. Gallatin was made at a meeting of a number of members of the Pennsylvania Legislature, held for the purpose of agreeing who should be set up as a candidate. The deponent further says, he does not recollect Mr. Gallatin's assigning any other reason for his backwardness to serve as a Senator, than the want of citizenship.

"Sworn to, and subscribed, January 22, 1794."

"Henry Kammerer, Esq., being duly sworn, testifies:

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That last Winter, being a member of the Legislature of Pennsylvania, and previous to the election of Senator for the said State, at a meeting of a number of the members of the State Legislature, to agree upon a candidate to fill said office, I heard Mr. Gallatin say, when his name was proposed, 'As for my name, it is out of the question: I have not been a citizen long enough to entitle me to serve in that station.' That, at a second meeting for the same purpose, Mr. Gallatin was again proposed as a proper person for a candidate, and then the deponent understood (not from Mr. Gallatin, but from some of the members of Assembly then present,) that the doubt about his citizenship was then put to rights; and then it was almost unanimously agreed to put up Mr. Gallatin's name. That, on the morning succeeding Mr. Gallatin's election, the deponent heard it observed, that, notwithstanding Mr. Gallatin's election, he could not take his seat, in consequence of his declaration that he had not been long enough a citizen. That he, the same day, mentioned this to Mr. Gallatin, who said that he had made this declaration under a mistaken idea that it was necessary for him to have been nine years a citizen of Pennsylvania, but that, upon examining the Constitution, he had found that to have been nine years a citizen of the United States was sufficient, and that he had been above nine years a citizen of the United States, or words to that effect.

"Sworn to, and subscribed, January 22, 1794."

"Pelatiah Webster, being duly qualified, testifies: That, eleven years ago last Summer, I let my house in Philadelphia to Mary Linn, who proposed to take lodgers; I reserved apartments for myself, and boarded with her. Soon after, Mr. Savery and Mr. Gallatin took lodgings of her, and continued a number of months there. Mr. Savery spoke no English; Mr. Gallatin spoke good English, and served as interpreter for him. They appeared to be well bred gentlemen, and their conduct was agreeable and conciliating; and they soon gained the esteem and respect of the family. I do not know that they ever declared their country, but we all supposed they were French, and, of course, the people, customs, and country of France, often made the topic of fireside chat. In one of these transient conversations, Mr. Gallatin took occasion to say that his knowledge of French affairs was not very perfect, for he was not a native of France, nor had ever resided long in that country, but was from Geneva. No one interesting circumstance made any further inquiry necessary, nor do I recollect that he made any more explication of the subject.

"N. B. Mr. Gallatin once said that his original name was not Gallatin, but I think he said it was Sidney, but this conversation was in drollery, and not in earnest, as I conceived at the time of speaking from the manner and air of his speaking thereon.

"Sworn to, and subscribed, January 28, 1794."

"Mr. John Smilie, member of the House of Representatives of the United States, being sworn, saith, that at a meeting of sundry members of the Legislature of Pennsylvania, previous to Mr. Gallatin's election as a Senator of the United States, that gentleman was mentioned as a proper person to fill the said office; at which time Mr. Gallatin started some doubt respecting his being qualified, but in what words the deponent does not recollect

That the deponent did not understand upon what the doubt was founded, though he thinks, from something said by Mr. Gallatin, that it related to Mr. Gallatin's citizenship, for, as the deponent conceived the conversation proceeded from that kind of modesty which

gentlemen usually feel upon having their names proposed upon such occasions, he did not pay much attention to it: and that his reason for forming this opinion was, his having frequently observed gentlemen to make excuses in similar situations, and from his knowledge of Mr. Gallatin's modesty of disposition. When being asked, whether he ever heard Mr. Gallatin say that he had not been a citizen of the United States nine years previous to his election, the deponent replies, he never did. Upon being asked by Mr. Lewis, counsel for the petitioners, what he had ever heard Mr. Gallatin say touching his citizenship, the deponent replies, that a considerable time subsequent to Mr. Gallatin's election, Mr. Gallatin, in conversations with the deponent, expressed an opinion, that he was qualified with respect to citizenship. What else did you ever hear Mr. Gallatin say with respect to his citizenship? The deponent answers, that he recollects having heard him say something with respect to the laws of Massachusetts not requiring an oath of allegiance, at the time of his giving his opinion as aforesaid. Did you ever hear Mr. Gallatin say he was born in Europe? The deponent replies, that he does not recollect Mr. Gallatin's saying that he was born in Europe, but that he has heard Mr. Gallatin speak of himself as a Genevan, mention his family in Geneva, and in conversations with him hath always understood him to be of Geneva. Did you ever hear Mr. Gallatin mention the time of his coming into America? He replies, that he thinks Mr. Gallatin, about a year past, mentioned that he had been then thirteen years in this country, and that he was nineteen years old when he came. Did you ever hear Mr. Gallatin say when or where he took the oath of allegiance? He replies, he heard Mr. Gallatin say that he took the oath of allegiance in Virginia, but, as to the time, the deponent cannot be precise, but he thinks, if he can recollect, that Mr. Gallatin did mention to him, though he cannot be certain; but it was not nine years before he was elected. That the deponent thinks Mr. Gallatin's doubts respecting his citizenship were founded on this ground, the witness referring in this part of his testimony to the meeting before mentioned, when these doubts were expressed; but he cannot specify the time of Mr. Gallatin's having mentioned to him the circumstance of his having taken the oath of allegiance.

"Sworn to, and subscribed, January 28, 1794."

"Mr. Thomas Stokely, being sworn, deposes and saith, that, some few days before a Senator was chosen for the State of Pennsylvania, a meeting was had to fix on a proper person to represent the State in that office; sundry persons were started as candidates, among whom was Mr. Gallatin, who, upon his being named, observed that there were many other persons more proper to fill that office: and also observed, that there might be doubts as to his citizenship, though the deponent, from the length of time, and not expecting to have been called upon, retains too slight an impression of what then passed, to be able to recollect the words with precision. That, at a subsequent meeting for the same purpose, Mr. Gallatin was finally agreed to be nominated, and the deponent heard no objection stated thereto, either by Mr. Gallatin (who was present) or any other person.

"Sworn to, and subscribed, February 1, 1794."

"The before-recited evidence being introduced and closed on the part of the petitioners, Mr. Gallatin was asked whether he had any testimony to produce on his part, to which he gave the following answer, in writing, to wit:

"The committee to whom the petition of Conrad

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Laub, &c. was referred, having informed me that the petitioners had closed their evidence, and asked me 'whether I had any testimony to produce on my side;' I answer, that it appears to me that there is not sufficient matter charged in the petition, and proved by the testimony, to vacate my seat; that, by the resolution appointing the committee, the petition is referred to them to state the facts, 'without prejudice as to any questions which may, upon the hearing, be raised by the sitting member, as to the sufficiency of the parties and the matter charged in the petition;' that, upon the hearing, and in the present stage of the same, the question as to the sufficiency of matter, as above stated, is raised by me; that I conceive, from the evident construction of the resolution, I have a right to have that question decided by the Senate; that, until the same shall have been decided, I do not wish to be at the trouble and expense of collecting evidence at a great distance: and, therefore, that at present, I do not mean to produce any testimony, reserving, however, to myself the right which I conceive I have to produce any testimony in my favor, after the said question shall have been decided by the Senate, in case it is decided against me.

"ALBERT GALLATIN."

"Which being duly read and considered, the Committee came to the following resolution, to wit:

"Whereas the evidence on the part of the petitioners having been closed, and it appearing that Mr. Gallatin was an alien in the year 1780; and his answer, in writing, assigning reasons why he should not adduce evidence on his part in the present stage of the inquiry, not being, in the opinion of the Committee, sufficient,

"Resolved, That, in the opinion of the Committee, it is now incumbent on Mr. Gallatin to show that he has become a citizen of the United States, and when.

"Which resolution being read to Mr. Gallatin, he informed the Committee he should rely on the answer he had before given.

"All which is respectfully submitted to the honorable Senate by the Committee."

And subjoined is the statement of facts exhibited by Mr. GALLATIN, and agreed to between him and the counsel for the petitioners, as mentioned the 20th instant:

"Albert Gallatin was born at Geneva, on the 29th day of January, 1761. He left that place for the United States in April or May, 1780, arrived in Boston (Massachusetts) on the 14th or 15th July of the same year, and has ever since resided within the United States. In October, 1780, he removed from Boston to Machias in the Province of Maine, in which place and its neighborhood, he resided one year, and commenced a settlement on a tract of vacant land. During that time, he furnished, out of his own funds, supplies (amounting in value to more than sixty pounds Massachusetts currency) to Colonel John Allen, who was the commanding officer stationed there, and also Superintendent of Indian Affairs for the Eastern Department, for the use of the American troops, and on several occasions acted as a volunteer under the same officer's command. For the said supplies, he received, one year after, a warrant on the Treasury of the State of Massachusetts, which he sold at a considerable depreciation. In October, 1781, he returned to Boston; and, in the spring of 1782, was by a vote of the Corporation of the University of Cambridge, (otherwise called Harvard College,) chosen instructor of the French language of the said University

By the same vote he was allowed a room in the College, the privilege of the Commons at the Tutor's table, the use of the Library, and also the right of having his pay (which depended on the voluntary subscription and attendance of the students) collected by the steward of the institution, together with the other charges against the students for board and education. Those terms he accepted, and remained in that station for the term of one year. In July, 1783, he removed to Pennsylvania, and in November of the same year proceeded to Virginia, in which State he had purchased more than one thousand acres of land, (and amounting to more than one hundred pounds Virginia currency in value.) some time between July and November, 1783. Between this last mentioned period and the month of October, 1785, he purchased other lands in the said State to a very large amount, and in the said last mentioned month he took an oath of allegiance to the said State. In December, 1785, he purchased the plantation in Fayette county in Pennsylvania, on which he has lived ever since. In October, 1789, he was elected member of the Convention to amend the Constitution of Pennsylvania, and in October, 1790, 1791, and 1792, he was elected member of the Legislature of the same State. On the 28th of February, 1793, he was chosen Senator to represent the said State in the Senate of the United States, and took his seat in December following."

MONDAY, March 3.

The Communications referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 26th of February, were in part read.

*Ordered*, That the further reading of them at this time be postponed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

I transmit to you an extract from a letter of Mr. Short, relative to our affairs with Spain; and copies of two Letters from our Minister at Lisbon, with their enclosures, containing intelligence from Algiers. The whole of these communications are made in confidence, except the passage in Mr. Short's Letter which respects the Spanish convoy.

G. WASHINGTON.

UNITED STATES, March 3, 1794.

The Message and papers therein referred to were read.

*Ordered*, That they lie for consideration.

The petition of Peter Trezovant, of the State of South Carolina, was read, praying compensation for certain goods bought of Robert Farquhar, and stated to be for the use of the United States, though purchased by order and appropriated to the more immediate use of the State of Georgia.

*Ordered*, That this petition lie on the table.

Mr. CABOT reported, from the Committee to whom was referred the bill sent from the House of Representatives for concurrence; entitled "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States," that this bill pass the Senate; and the bill was read the second time; and, on motion, was read the third time and passed.

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TUESDAY, March 4.

The Senate resumed the reading of the Communications referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 26th of February; and, after progress, the further reading thereof was postponed.

Mr. MARTIN, from the committee appointed on the 22d of February, to consider the Report of the Secretary for the Department of Treasury respecting a light-house on Cape Hatteras, reported a bill to erect a light-house on the head-land and Cape of Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina; which was read the first time, and ordered to a second reading.

WEDNESDAY, March 5.

A Message from the House of Representatives informed the Senate, that they have passed a bill, entitled "An act authorizing a Loan of one million of dollars," in which they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

The Secretary of State having reported to me upon the several complaints which have been lodged in his Office, against the vexations and spoliations on our commerce since the commencement of the European war, I transmit to you a copy of his statement, together with the documents upon which it is founded.

G. WASHINGTON.

UNITED STATES, March 5, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The Senate resumed the reading of the Communications referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 26th of February last.

*Ordered,* That they lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," was read the first time, and ordered to a second reading.

The bill to erect a light-house on the head-land and Cape of Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina, was read the second time.

*Ordered,* That Monday next be assigned for the further consideration of this bill.

THURSDAY, March 6.

Mr. CABOT, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government, for the year 1794," reported amendments, which were read and adopted.

*Ordered,* That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," was read the second time, and referred to Messrs. BUTLER, CA-

BOT, and HAWKINS, to consider and report thereon to the Senate.

FRIDAY, March 7.

The bill sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government, for the year 1794," was read the third time.

*Resolved,* That this bill pass as amended.

*Ordered,* That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

*Resolved,* That Messrs. KING, LANGDON, and STRONG, be a committee to join with such committee as the House of Representatives may appoint on their part, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session; that the proceedings may be so regulated as to close this session by the first Monday in April next.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country;" also, a bill, entitled, "An act limiting the time for presenting claims for destroyed certificates of certain descriptions;" in which bills, severally, they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill in addition to the act for the punishment of certain crimes against the United States, together with the amendments reported by the committee; and, after progress, the further consideration thereof was postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was read the first time, and ordered to a second reading.

MONDAY, March 10.

The VICE PRESIDENT laid before the Senate a Letter from his Excellency Josiah Bartlett, Governor of the State of New Hampshire, enclosing the remonstrance of the Legislature of that State against the determination of the Circuit Court for the district of New Hampshire, held at Exeter on the 24th day of October, 1793; which Letter and papers referred to were read.

*Ordered,* That they be committed to Messrs. LIVERMORE, KING, and LANGDON, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the second time.

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*Ordered*, That the further consideration thereof be the order of the day for Wednesday next.

Agreeably to the order of the day, the bill to erect a light-house on the head-land and Cape of Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina, was read the second time, and amended.

*Ordered*, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate, that the House of Representatives concur in the amendments of the Senate to the bill, entitled "An act making Appropriations for the support of Government, for the year 1794." They also concur in the resolution of the Senate of the 7th instant, appointing a joint committee, and have appointed a committee on their part.

The Senate resumed the second reading of the bill "In addition to the act for the punishment of certain crimes against the United States."

On motion that the Secretary of the Senate be directed to procure, from the Secretary for the Department of State, the secret instructions given to the Commissioners for concluding a Treaty between the United States and the King of Sweden it passed in the negative.

After progress in the consideration of the bill last mentioned, the further consideration thereof at this time was postponed.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to provide a Naval Armament;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

*Ordered*, That the Secretary purchase Blackstone's Commentaries, and Vattel's Law of Nature and Nations, for the use of the Senate.

#### TUESDAY, March 11.

The bill to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina, was read the third time, and passed.

*Ordered*, That the Attorney General for the United States be directed to report upon the petition of the inhabitants of Gallipolis, lodged in his Office by reference at the last session of Congress.

The Senate resumed the second reading of the bill in addition to the act for the punishment of certain crimes against the United States; and, after progress,

*Ordered*, That the further consideration thereof be postponed.

#### WEDNESDAY, March 12.

*Resolved*, That the PRESIDENT OF THE UNITED STATES be requested to transmit, to the Executives of the several States, copies of the amendment proposed by Congress to be added to the Constitution of the United States, respecting the Judicial power.

*Ordered*, That the Secretary desire the con-

currence of the House of Representatives in this resolution.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to provide for the defence of certain ports and harbors in the United States;" in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill, in addition to the act for the punishment of certain crimes against the United States.

On motion to strike out the 7th section of the bill, as follows:

"*And be it further enacted*, That it shall not be lawful to sell within the United States, any vessel or goods captured from a Prince or State, or from the subjects or citizens of a Prince or State, with which the United States are at peace, which vessel or goods shall have been captured by any other foreign Prince or State, or by the subjects or citizens of such Prince or State, unless such vessel and goods shall have been first carried into a port or place within the territory of the Prince or State to which the captors belong, but such vessels and goods shall be carried out of the United States by those who shall have brought them in. And the sale of any vessel or goods, prohibited as aforesaid, shall be utterly void."

It passed in the negative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

The VICE PRESIDENT determined the question in the negative.

On motion to adopt this 7th section, it passed in the affirmative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

The VICE PRESIDENT determined the question in the affirmative.

On motion to adopt the following as an additional section to the bill, to wit:

"*And be it further enacted*, That this act shall continue and be in force for and during the term of six months, and from thence to the end of the next session of Congress, and no longer."

It passed in the negative—yeas 11, nays 13, as follows:

YEAS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Langdon, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

On motion to adopt the following as an additional section to the bill, to wit:

"*And be it further enacted*, That this act shall continue and be in force for and during the term of two

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years, and from thence to the end of the next session of Congress, and no longer?"

It passed in the affirmative—yeas 17, nays 7, as follows:

YEAS.—Messrs. Bradford, Brown, Cabot, Ellsworth, Foster, Gunn, Hawkins, Jackson, Izard, King, Livermore, Martin, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Butler, Edwards, Langdon, Monroe, Robinson, and Taylor.

On motion that this bill pass to the third reading, it passed in the affirmative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

The VICE PRESIDENT determined the question in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

I transmit to you the translation of two Letters from the Commissioners of his Catholic Majesty to the Secretary of State, and of their enclosures.

G. WASHINGTON.

UNITED STATES, March 12, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," was read the first time, and ordered to a second reading.

THURSDAY, March 13.

The VICE PRESIDENT laid before the Senate the Reports of the Secretary for the Department of War, on the several petitions of Asa Day, William Perkins, and Jonathan Holton.

*Ordered,* That they lie on the table.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," was read the second time.

*Ordered,* That this bill be referred to Messrs. KING, GUNN, IZARD, LANGDON, MORRIS, ELLSWORTH, and POTTS, to consider and report thereon to the Senate.

Mr. BUTLER reported, from the committee appointed to consider the bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," that the bill pass; and, the report being adopted,

*Ordered,* That this bill pass to the third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," was read the second time.

On motion, it was agreed that the further consideration of this bill be the order of the day for Monday next.

The bill, in addition to the act for the punishment of certain crimes against the United States, was read the third time.

On motion, to expunge the 8th section, as follows:

"And be it further enacted and declared, That, in every case in which a vessel shall be fitted out and armed, or attempt so to be fitted out or armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States as above defined, and in every case in which any process issuing out of any Court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel, of any foreign Prince or State, or of the subjects or citizens of such Prince or State; in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be judged necessary for the purpose of taking possession of and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring such prize or prizes, in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories of the United States against the territories or dominions of a foreign Prince or State, with whom the United States are at peace."

It passed in the negative—yeas 12, nays 12, as follows;

YEAS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

The VICE PRESIDENT determined the question in the negative.

On the question, Shall this bill pass? it passed in the affirmative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

The VICE PRESIDENT determined the question in the affirmative. And further amendments being agreed to, it was

*Resolved,* That this bill pass, that it be engrossed, and that the title thereof be "An act in addition to the act for the punishment of certain crimes against the United States."

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-



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four;" and a bill entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations, and further to continue in force the act entitled 'An act providing the means of intercourse between the United States and foreign nations;'" in which several bills they desire the concurrence of the Senate.

The bills last mentioned were severally read the first time, and ordered to a second reading.

*Ordered*, That the documents referred to in the PRESIDENT'S Message of the 5th instant, relative to the vexations and spoliations on the commerce of the United States, be returned to the office of the Secretary of State.

*Ordered*, That the Secretary of State, as soon as may be, furnish the Senate with an abstract of the vexations and spoliations lately committed upon our commerce, and upon whom, particularly noting the condemnations, as far as the documents in his office will enable him.

The bill sent from the House of Representatives for concurrence, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was read the second time.

*Ordered*, That this bill be referred to Messrs. CABOT, TAYLOR, ELLSWORTH, GUNN, and KING, to consider and report thereon to the Senate.

The bill authorizing and directing the settlement of the accounts of Major General LAFAYETTE was read the third time.

*Resolved*, That this bill pass, that it be engrossed, and that the title thereof be "An act allowing to Major General LAFAYETTE his pay and emoluments while in the service of the United States."

## FRIDAY, March 14.

The VICE PRESIDENT laid before the Senate the Report from the Secretary for the War Department on the petition of Robert Connelly; which was read, and ordered to lie on the table.

Mr. KING, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," reported amendments; which, being adopted,

*Ordered*, That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations, and further to continue in force the act entitled 'An act providing the means of intercourse between the United States and foreign nations,'" was read the second time.

*Ordered*, That this bill be referred to Messrs. KING, MORRIS, and STRONG, to consider and report thereon to the Senate.

Mr. KING, from the committee appointed on

this bill, reported an amendment, which being adopted,

*Ordered*, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four," was read the second time.

*Ordered*, That this bill be referred to Messrs. KING, VINING, and GUNN, to consider and report thereon to the Senate.

## MONDAY, March 17.

The VICE PRESIDENT laid before the Senate the Report of the Secretary for the Department of War on the petitions of Theodore Chartier and others; which was read, and ordered to lie on the table.

Mr. BRADLEY reported, from the committee appointed to consider the petition of Jabez Rogers, jr., that the prayer of the petition be granted.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," was read the third time.

*Resolved*, That this bill pass with amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," was read the second time, and referred to Messrs. LANGDON, MORRIS, BUTLER, TAYLOR, and CABOT, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, entitled 'An act providing the means of intercourse between the United States and foreign nations;'" was read the third time.

*Resolved*, That this bill pass with an amendment.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave-trade from the United States to any foreign place or country."

On motion to postpone the bill to the next session of Congress, it passed in the negative.

*Ordered*, That the further consideration of this bill be postponed.

## TUESDAY, March 18.

Mr. KING, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four;" reported the bill without amendment.

*Ordered*, That this bill pass to a third reading. A motion was made and seconded, that it be

*Resolved*, That a committee be appointed to examine into and report on the practicability of obtaining state-

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Proceedings.

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ments of the principles on which the accounts of the individual States with the United States have been settled, and a statement of the several credits allowed in the said settlement:"

*Ordered*, That this motion lie for consideration.

Mr. LANGDON, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," reported amendments; which were in part adopted.

*Ordered*, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act to provide for the erecting and repairing arsenals and magazines, and for other purposes;" and "A resolution that the PRESIDENT OF THE UNITED STATES, be authorized to employ, as despatch boats, such of the revenue cutters of the United States as the public exigencies may require;" in which bill and resolution, severally, they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and  
of the House of Representatives:*

The Minister Plenipotentiary of the French Republic having requested an advance of money, I transmit to Congress certain documents relative to that subject.

G. WASHINGTON.

UNITED STATES, March 18, 1794.

The Message and papers were read, and ordered to lie for consideration.

The resolution sent from the House of Representatives for concurrence, "authorizing the PRESIDENT OF THE UNITED STATES to employ as despatch boats, such of the revenue cutters as the public exigencies may require;" was read.

*Resolved*, That the Senate concur therein.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," was read the first time, and ordered to a second reading.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave-trade from the United States to any foreign place or country."

*Ordered*, That this bill pass to a third reading.

WEDNESDAY, March 19.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," was read a third time and passed.

*Resolved*, That the bill pass with amendments.

The report of the committee to whom was referred the petition of Jabez Rogers, jr., was read and adopted, and the committee were instructed to bring in a bill for the purposes therein expressed.

Mr. BRADLEY, from the committee last mentioned, reported a bill for the remission of the duties on certain distilled spirits destroyed by fire, which was read the first time and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of the Military Establishment of the United States, for the year one thousand seven hundred and ninety-four," was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," was read the second time.

*Ordered*, That this bill be referred to Messrs. GUNN, KING, and BRADLEY, to consider and report thereon to the Senate.

*Ordered*, That leave be given to bring in a bill to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place for holding a session of Congress.

The bill was accordingly laid on the table, and read the first time.

*Ordered*, That this bill pass to the second reading.

THURSDAY, March 20.

The bill to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place for holding a session of Congress, was read the second time.

*Ordered*, That this bill be referred to Messrs. LIVERMORE, GUNN, and ELLSWORTH, to consider and report thereon to the Senate.

The bill for the remission of the duties on certain distilled spirits, destroyed by fire, was read the second time; and, the rule being dispensed with, the bill was read a third time and passed.

Mr. CABOT, from the committee to whom was referred the bill, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," reported amendments.

*Ordered*, That they be printed for the use of the Senate.

Mr. GUNN, from the committee to whom was referred the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," reported amendments, which were adopted.

*Ordered*, That this bill pass to the third reading.

FRIDAY, March 21.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," was read the third time.

*Resolved*, That this bill pass with amendments.

Mr. LIVERMORE, from the committee to whom was referred the bill to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter